



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 03502-24

G.B.

Petitioner,

v.

MIDDLESEX COUNTY BOARD
OF SOCIAL SERVICES

Respondent.

Medicaid Only

Failure to Verify Eligibility Appeal

N.J.A.C. 10:71-2.2 and -2.3

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application for failure to provide the following evidence of eligibility under N.J.A.C. 10:71-2.2(e):

The request for information asked G.B. to provide proof verifying that client is receiving \$125 a week as alimony, and if not receiving this income, to please provide proof verifying why she is not receiving it.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

- ☒ I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is established.
- ☐ I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is not been established.

II.

- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), and that no exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the Medicaid Only application must be **DENIED** under N.J.A.C. 10:71-2.2(e).
- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), but that exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the time limit for verification must be **EXTENDED** under N.J.A.C. 10:71-2.3(c).
- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); and petitioner has since provided all the required documentation; therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.
- ☒ I **FIND** that petitioner timely provided all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

Exceptional circumstances exist. First, G.B. has severe dementia and is in hospice. G.B. could not provide information to A.B./S.B. regarding the reasons she stopped receiving alimony. A.B./S.B. did respond in a timely manner to the request for information. Second, they were led to believe their response fulfilled the Agency's request, receiving the denial 106 days after A.B./S.B. appropriately believed they had complied sufficiently with the request. Third, shortly after receiving the denial, A.B./S.B. located a relevant document that the Agency admits they revealed.

ORDER

I **ORDER** that:

- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☐ Petitioner is **INELIGIBLE** for Medicaid Only under N.J.A.C. 10:71-2.2(e).
- ☐ Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- ☒ The case be **RETURNED** to respondent for respondent to **PROCESS** the application to determine eligibility under N.J.A.C. 10:71.

I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

06/11/2024

DATE



Allison Friedman

, ALJ

Date Record Closed:

06/03/2024

Date Filed with Agency:

06/11/2024

Date Sent to Parties:

06/12/2024

APPENDIX

Witnesses

For Petitioner:

A.B.

For Respondent:

Kurt Eichenlaub, Human Services Specialist III

Martin Fitzgerald, Human Services Specialist IV

Exhibits

For Petitioner:

- P-1 Request for information, September 26, 2023
- P-2 Power of Attorney
- P-3 Letter re Life Insurance, September 28, 2023
- P-4 Letter re Alimony, September 28, 2023
- P-5 Denial, January 12, 2024
- P-6 Email between County and Alfredo Pinero, Esq.
- P-7 N.J.A.C. 10:71-2.2
- P-8 N.J.A.C. 10:71-5.4
- P-9 N.J.A.C. 10:71-5.6
- P-10 42 C.F.R. 435.917 (2023)
- P-11 42 C.F.R. 432.210 (2023)
- P-12 Emails between Counsel and County, May 8, 2024

For Respondent:

- R-A: Application, August 14, 2023 (computer and handwritten)
- R-B: 1st (April 25, 2023) and 2nd request for information (September 26, 2023)
- R-C: Eligibility Letter and citations
- R-D: Divorce decree (1980)
- R-E: Case Notes