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**SARAH ADELMAN**  
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**GREGORY WOODS**  
Assistant Commissioner

**STATE OF NEW JERSEY**  
**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF MEDICAL ASSISTANCE**  
**AND HEALTH SERVICES**

G.T.,

PETITIONER,

v.

OCEAN COUNTY BOARD OF  
SOCIAL SERVICES AND DIVISION  
OF MEDICAL ASSISTANCE AND  
HEALTH SERVICES,

RESPONDENTS.

AND

N.T.,

v.

OCEAN COUNTY BOARD OF  
SOCIAL SERVICES AND DIVISION  
OF MEDICAL ASSISTANCE AND  
HEALTH SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 03017-24**

**OAL DKT NO. 16533-24**

**(CONSOLIDATED)**

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Respondent filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 7, 2025, in accordance with an Order of Extension.

This matter arises from the Ocean County Board of Social Services (Ocean County) February 7, 2024, denial of Petitioners Medicaid applications for failure to provide documentation necessary to determine eligibility.<sup>1</sup> R-4.

Both the County Welfare Agency (CWA) and the applicants have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstances. N.J.A.C. 10:71-2.2(e). The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements, and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The time frame may be extended when documented exceptional circumstances arise preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c). The regulations do not require that the CWA grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, the extension is permissible. N.J.A.C. 10:71-2.3; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

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<sup>1</sup> G.T. passed away prior to the OAL hearing. ID at 2. However, Counsel was obtained to move forward with the hearing on behalf of G.T.'s estate. Ibid.

The Medicaid applicant is “the primary source of information. However, it is the responsibility of the agency to make the determination of eligibility and to use secondary sources, when necessary, with the applicant’s knowledge and consent.” N.J.A.C. 10:71-1.6(a)(2). While the applicant has a duty to cooperate fully with the CWA, the CWA also has a duty to assist in retrieving the information.

In the present matter, Petitioners through their Designated Authorized Representative (DAR), T.H. filed a Medicaid application on November 27, 2023.<sup>2</sup> R-1, R-2. On December 7, 2023, and December 26, 2023, Ocean County sent requests for additional information to be provided as follows: 1) Bank of America (BOA) statements for Petitioners’ bank account #9747 for the period of March 1, 2019 through September 30, 2021 and verifications for all withdrawals in excess of \$2,000, 2) the entire document of the family trust along with the Schedule A and proof of how it was funded throughout the years as well as documentation of all accounts/items that were added to the trust and 3) proof of source for the January 13, 2020 deposit of \$5,795.81 into BOA account #9747. R-3. On January 9, 2024, Petitioner’s DAR provided some of the documentation requested along with a detailed letter regarding the information that remained outstanding. R-11. The substance of the letter included an explanation regarding the challenges faced in obtaining copies of the trust account, information about the Broadridge check, request for assistance in obtaining missing information and request for an extension. Ibid. Prior to the denial being issued on February 7, 2024, T.H. sent emails to Ocean County on January 16, 2024, January 22, 2024, January 25, 2024, January 26, 2024, January 30, 2024, January 31, 2024, February 5, 2024, and February 8, 2024. P-64, P-65, P-66, P-67. In the emails, T.H. questioned if anything else was needed to

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<sup>2</sup> Petitioners filed a second application on February 13, 2024, which was approved. ID at 2. The second application is not the subject of this appeal. Ibid.

process the application and to seek an extension. Ibid. On January 16, 2024, Ocean County responded to T.H.'s January 16<sup>th</sup> email wherein the processor acknowledged receipt of the verifications provided and informed T.H. that once the case was reviewed, T.H. would be apprised of the case "finding." P-67. Ocean County did not respond to any of the other emails T.H. sent. P-64, P-65, P-66.

The Administrative Law Judge (ALJ) determined that Petitioners representatives "clearly and regularly" informed Ocean County about the obstacles they encountered in gathering all the requested information before the deadline. ID at 11. The ALJ also determined that Ocean County failed to convey to T.H. despite many requests that the explanations provided about these efforts were "insufficient because they did not produce a letter from a third party detailing their efforts or documentation that the information being sought was unavailable." ID at 11, 12. The ALJ further determined that Petitioners were denied an explanation from Ocean County "of the type of communication the Board required about their efforts, failed to receive direction on how the documents might be obtained and failed to obtain any of the information by accessing collateral sources. ID at 12. As such, the ALJ determined that Ocean failed to satisfy their statutory obligations, and that Ocean County should reopen Petitioner's first application using the documents produced. ID at 12, 13.

On April 15, 2025, Respondent filed the following exceptions to the Initial Decision:

1) Respondent argues that the ALJ's findings that Ocean County should have advised T.H. on how to obtain missing information that was already included in the "Trust Paperwork" eventually provided "is in contradiction" to N.J.A.C. 10:71-1.6(a) (2), N.J.A.C. 10:71-2.2(e) (2) and N.J.A.C. 10:71-3.1(b). I disagree. The Initial Decision does not state that "Ocean County Board of Social Services should have advised on how to obtain missing information..." ID at 5. Rather, the Initial Decision focuses on Ocean County's

failure to respond to multiple communications from the Petitioner's DAR, and its specific failure to communicate what documentation it required of the Petitioner's DAR's efforts to seek the required information.

2) Respondent argues that the December 7, 2023, request for information set forth the information that was needed to determine Petitioner's eligibility and that T.H. was "fully aware that the information requested was attached to a previously unreported financial account, Broadridge." Respondent further argues that the Petitioner had "already been notified in writing via two mailed letters that verification [of] all withdrawals and deposits ...within 60 months of application were required to determine [Petitioners] financial eligibility," and this is in contradiction with N.J.A.C. 10:71-2.2(e)1-2, N.J.A.C. 10:71-1.6(a)2 and N.J.A.C. 10:71-3.1(b). While I agree that Ocean County sent out two requests for information on December 7, 2023, and December 26, 2023, and that those requests listed specific financial information needed, that is only one step in the process. In this case, the Initial Decision notes, "Under N.J.A.C. 10:71-2.2, the caseworker must communicate with the applicant regarding the claimed deficiencies and then, under N.J.A.C. 10:71-2.10(b), provide an opportunity for the applicant to verify, supplement or clarify the information before denying an applicant." M.L. v. Essex Cnty. Div. of Fam. Assistance & Benefits, 2025 N.J. Super. Unpub. LEXIS 407, \*8 (App. Div. March 18, 2025). ID at 10. Here, Ocean County failed to inform T.H. of any outstanding deficiencies in her submissions despite T.H.'s efforts requesting assistance evidenced by the multiple emails sent out during the relevant timeframe. P-64, P-65, P-66, P-67. As such, contrary to Ocean County's assertions, the Initial Decision correctly notes "the Board did not satisfy its regulatory obligations." ID at 12.

3) Respondent implies D.G.'s<sup>3</sup> certification was flawed when she stated she believed Petitioners Broadridge account was related to their utilities, when "any call to Broadridge would have revealed that Broadridge is a financial institution specializing in investments and not a utility provider, even if Broadridge would not disclose what "type" of account [Petitioners] had there." Respondent seems to allege this statement is in contradiction to N.J.A.C. 10:71-3.1(b) and N.J.A.C. 10:71-2.2(e) 1-2. Here, there is no question the Initial Decision considered D.G.'s certification and noted the Broadridge account had not been included with Petitioners November 2023 application. ID at 4. Moreover, the Initial Decision notes this matter was complicated because Petitioners "representatives did not appreciate the import of "Broadridge" when they submitted the application... and that they should have advised the Board at the outset..." about this account. ID at 12. As such, I find this exception is without merit regarding the Initial Decision's findings of fact regarding the Broadridge account. ID at 4, 5, 8, 12. The Initial Decision's findings do not contradict either regulation mentioned above.

Based on review of the totality of circumstances, denial of Petitioner's application was not appropriate for the following reasons: 1) Petitioner made a good faith effort to comply with the County's requests and 2) the county failed to respond to the DAR's emails which consistently requested confirmation that the information sent would satisfy the County's requests. As such, I agree with the Initial Decision and specifically with the reasons stated above.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's application was inappropriate and the County should process Petitioner's November 7, 2023,

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<sup>3</sup> D.G. is T.H.'s supervisor.

application to determine if Petitioner is eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this 7th day of July 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.

*Gregory Woods*

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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance  
and Health Services