



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 03639-25

J.C.

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 Statement Ledgers from Catholic Charities (CC) were never specifically requested in the October 22, 2024, Request for Information or in any other communication to J.C.'s DAR.

On December 5, 2024, Middlesex denied the application for failing to provide the information from CC.

The statements have since been provided.

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

1. On October 22, 2024, Middlesex sent J.C. a Request for Information (RFI) due on November 5, 2024.
2. On October 28, and 29, 2024, the DAR on behalf of J.C. sent a timely and comprehensive response to the RFI. Within the response the DAR explained that since 2014, J.C.'s social security checks had been sent to CC as the payee and would not release the statements to the DAR, but would provide them to Middlesex. DAR provided contact information at CC.
3. On November 4, 7, 21, 2024, DAR emailed caseworker and received no response.

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.

05/05/2025

DATE



MAMTA PATEL

, ALJ

Date Record Closed:

04/30/2025

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

Yetti Roth, Future Care Consultant

For Respondent:

Kurt Eichenlaub, Middlesex County Board of Social Services, Fair Hearing Liaison

Exhibits

For Petitioner:

P-1 Request For Information dated October 22, 2024

P-2 Emails between Yetti Roth and LaToia Tharrington between October 29, 2024, and
December 26, 2024

P-3 Letter sent by by Catholic Charities, regarding J.C.'s account, dated March 6, 2024

P-4 Preferred Care at Old Bridge, PNA Ledger from January 1, 2024-October 1, 2024

P-5 Letter of Denial, dated December 5, 2024

P-6 Preferred Care at Old Bridge, Resident Statement Ledger from June 1, 2024

P-7 J.C.'s Statement Ledger from Catholic Charities, from January 1, 2028-
January 31, 2025

For Respondent:

R-1 Medicaid Application, dated February 22, 2024

R-2 Letter of Denial, dated December 5, 2024

R-3 Medicaid Communication No. 22-04, dated May 3, 2022

Medicaid Communication No. 10-09, dated November 24, 2010

Copy of 42 CFR Part 435.952

R-4 Request For Information dated October 22, 2024

R-5 Letter sent by by Catholic Charities, regarding J.C.'s account, dated March 6, 2024

R-6 RFI sent to Catholic Charities, dated November 25, 2024