

requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on June 29, 2015.

Based upon my review of the record, I hereby ADOPT the Initial Decision of the Administrative Law Judge. The undisputed facts in this matter indicate that Petitioner was ineligible for Medicaid due to income derived from a 401K withdrawal. As a result, Monmouth County Board of Social Services (MCBSS) requested reimbursement of Medicaid benefits in the amount of \$15,340.20.

The Division is statutorily authorized to seek reimbursement of Medicaid overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division:

To take all necessary action to recover the cost of benefits
incorrectly provided to . . . a recipient . . .

However, I agree with the ALJ's finding that Petitioners did not deliberately conceal the existence of their 401K, and in fact reported the income on their 2013 redetermination. MCBSS assisted Petitioners in filing their 2005 Medicaid application. At the time, Petitioner mistakenly failed to include the existence of a 401K. Petitioner did however supply MCBSS with paystubs that showed the deduction, and supplied those same paystubs every year thereafter upon redetermination.

Pursuant to N.J.S.A. 30:4D-7.i., I am authorized to "compromise, waive or settle any claim under this act." Based upon my review of the record, I am reluctant to penalize Petitioners under the specific facts presented here and conclude that this is an appropriate case to exercise the authority granted to me by N.J.S.A. 30:4D-7.i. to waive the claim for the overpayment.

THEREFORE, it is on this ^{26th} day of AUGUST 2015,

ORDERED:

That the Division waives recovery of the claim.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services