

is September 8, 2015, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision in this case was received on July 23, 2015.

This matter concerns a series of cash transfers totaling \$112,430 from Petitioner's account from February 2009 through January 2014. At the time of the transfers, Petitioner was living at home with the help of a caretaker and her son, R.H. In May 2012, Petitioner appointed R.H. as her power of attorney. R.H. testified at the hearing that the money was used entirely for his mother's care and that the expenses were paid in cash, rather than a check, because writing the checks was difficult as Petitioner's eyesight was failing. Inexplicably, this was the preferred method despite the fact that R.H., as power of attorney, could have issued the checks himself.

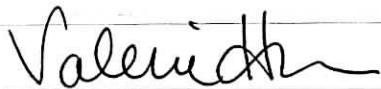
N.J.A.C. 10:71-4.10 requires a penalty when assets have been transferred during the look back period. Petitioner bears the burden of proof to demonstrate that she received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). Petitioner offered no corroborating evidence to establish that Petitioner received fair market value for any of the transfers in question. Petitioner was unable to rebut the presumption that the transfers were for less than fair market value. Accordingly, the ALJ found that the Bergen County Board of Social Services properly considered the \$112,430 transfer of assets and affirmed the transfer penalty.

After reviewing the record, I concur with the ALJ's finding and ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this *2nd* day of SEPTEMBER 2015,

ORDERED:

That the Initial Decision is hereby ADOPTED;



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