



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

B.J.H.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
UNION COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 13823-14

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the OAL case file. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency

Head to file a Final Agency Decision in this matter is March 30, 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 receipt. The Initial Decision in this matter was received on February 13, 2015.

Petitioner applied for Medicaid benefits on October 18, 2013. As a result of transfers totaling \$13,243.73, Union County Board of Social Services (UCBSS) imposed a transfer penalty of forty-two days. At the hearing, Petitioner presented UCBSS with additional documentation. As a result, UCBSS determined that the transfer penalty should be reduced by \$806.40 for a new transfer total of \$12,437.33 and a 39 day penalty.

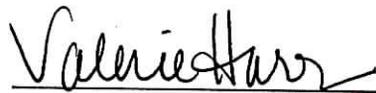
In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. During that time period, a resource cannot be transferred or disposed of for less than fair market value. 42 U.S.C.A. § 1396p(c)(1); see also N.J.A.C. 10:71-4.10(a). If such a transfer occurs, the applicant will be subject to a period of Medicaid ineligibility to be imposed once the person is otherwise eligible for Medicaid benefits. Ibid.; N.J.S.A. 30:4D-3(i)(15)(b).

Petitioner bears the burden of proof to demonstrate that he received fair market value for the assets transferred. N.J.A.C. 10:71-4.10(j). The ALJ found that the additional documentation warranted a reduction of the transfer penalty, but also found that Petitioner was unable to rebut the presumption that the remaining \$12,437.33 was transferred for less than fair market value. As a result, the ALJ revised the amount of the transfer penalty imposed by UCBSS to \$12,437.33.

THEREFORE, it is on this 23<sup>rd</sup> day of MARCH 2014,

ORDERED:

That the Administrative Law Judge's recommended decision is hereby  
ADOPTED.

A handwritten signature in black ink, appearing to read "Valerie Harr", is written over a solid horizontal line.

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