

Head to file a Final Agency Decision is March 3, 2015, pursuant to an Order of Extension.

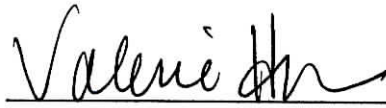
The issue in this case is whether Petitioner rebutted the presumption that the transfer of \$56,528 to her son, J.W., was done solely for a reason other than qualifying for Medicaid. On April 4, 2014, Petitioner was approved for ancillary services only from January 1, 2014 to July 1, 2014. Bergen County Board of Social Services (BCBSS) imposed a six month penalty based upon its determination that \$56,528 had been transferred for less than fair market value. After reviewing additional documentation which showed Petitioner received fair market value for her transfers, BCBSS reduced the transfer penalty to \$29,218.00. At the hearing, Petitioner's representative, J.W., testified and provided additional documentation to show that the balance of transferred money was used to pay Petitioner's rent, utilities and other bills.

I accept the ALJ's fact-findings, which are based, in part, upon his assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 577 (1988). Based upon J.W.'s testimony as well as the letters from Petitioner's creditors, I agree with the ALJ that the transfers to J.W. were used to pay Petitioner's debts. As a result, I agree that under the unique and specific facts and circumstances presented here, Petitioner is not subject to a transfer penalty.

THEREFORE, it is on this ^{22nd} day of JANUARY 2015,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in cursive script, appearing to read "Valerie Harr", written in black ink.

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