



sold in July 2016 to satisfy a judgement owed by her grandson. Petitioner was found eligible as of August 1, 2016 but subject to a penalty of 175 days that lasted until January 22, 2017. Petitioner died on January 23, 2017. ID at 6.

Petitioner applied first for benefits in 2015. That application was denied for failure to provide documentation and was not appealed. Another application was filed in May 2016 which indicated that her home was listed for sale. The home had been transferred in and out of Petitioner's name since 2011. The final transfer in December 2014 was to her grandson in exchange for a promise to take care of her. ID at 4. The grandson failed to care for her and permitted others to live in the home. After a hospitalization in May 2015, Petitioner was placed in a nursing facility.

After the first application was denied, another of Petitioner's grandsons who held her Power of Attorney sought to have the home transferred back to Petitioner's name. He accomplished this after filing a complaint. Petitioner's POA and another individual then purchased the home. At closing it was discovered that a judgment from the other grandson had attached to the property. Petitioner's proceeds satisfied this judgment.

The ALJ upheld the transfer penalty as Petitioner did not rebut the presumption that the transfer was done for the purpose of qualifying for Medicaid. N.J.A.C. 10:71-4.10(j). Based on my review of the record, I concur. Petitioner's transfers of the home to various family members were eventually undone so as to apply for Medicaid. When the home was finally sold, she gifted the grandson purchasing the property \$8,700 in equity and paid another grandson's judgment. Moreover, another \$8,500 was unaccounted for from the proceeds Petitioner should have received from the sale. R-1 at 11. These actions reduced Petitioner's countable assets so as to be eligible for Medicaid. It cannot be said that the payment of the judgment was done solely for a reason other than applying for Medicaid.


Petitioner also claimed she was entitled to a hardship waiver pursuant to N.J.A.C. 10:71-4.10q(1). There is no evidence that she requested one from Atlantic County.

Nevertheless, the Initial Decision found that Petitioner failed to meet either prong required to receive a waiver. Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision concluding that the Petitioner was properly assessed a penalty.

THEREFORE, it is on this 30<sup>th</sup> day of OCTOBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services