



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

B.J. and D.J.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 18558-2017
	:	
AND HEALTH SERVICES AND	:	
	:	
ATLANTIC COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 26, 2018 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 March 12, 2018.

The matter arises regarding the determination that Petitioners were subject to a transfer penalty due to gifting their daughter \$5,000 on November 1, 2016. The transfer amount was split evenly as both members of the couple applied for benefits on November 28, 2016. Each was subject to seven days ineligibility.

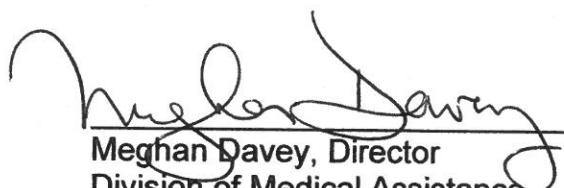
The ALJ upheld the transfer penalty as Petitioners did not rebut the presumption that the transfer was done for the purpose of qualifying for Medicaid. N.J.A.C. 10:71-4.10(j). Abe Jankelovits from Senior Planning Services testified about the intentions of Petitioners and their daughter with regard to the \$5,000 check as well as checks written in 2013 which he claimed created "an unspoken agreement" for Petitioners to repay their daughter in 2016 for the 2013 checks. ID at 3. This is not how testimony works. Mr. Jankelovits was not present in 2013 as he was hired to complete the Medicaid applications nor was he party to the 2013 "unspoken agreement" to repay. Moreover, another staff member from his office identified the 2013 checks as gifts. Thus, I FIND that Petitioners have not presented any evidence to rebut the presumption that the 2016 check was for the purpose of qualifying for Medicaid.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision concluding that each Petitioner was properly assessed a penalty of 7 days.

THEREFORE, it is on this 25th day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services