



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

I.W.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
OCEAN COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 08372-17

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
documents in evidence. Neither Party filed exceptions. Procedurally, the time
period for the Agency Head to file a Final Agency Decision in this matter is

January 5, 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 November 21, 2017.

At issue is a 351 day penalty imposed due to Petitioner's transfers totaling \$149,189.58. In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. Under the regulations, "[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period" a transfer penalty of ineligibility is assessed. N.J.A.C. 10:71-4.10 (c). It is Petitioner's burden to overcome the presumption that the transfer was done – even in part – to establish Medicaid eligibility. The presumption that the transfer of assets was done to qualify for Medicaid benefits may be rebutted "by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j).

At issue IS \$100,959.83 in transfers that were made to the parsonage where Petitioner served as rabbi. 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). In support of his position, Petitioner's representatives provided an undated lease agreement that did not require the Petitioner to make regularly scheduled rental payments and an undated, unsigned handwritten ledger of Petitioner's rental payments. Petitioner did not make regular payments, but rather made five payments over a four year period, only one of which was a multiple of his monthly rental obligation.

After reviewing the record, I concur with the ALJ's findings that Petitioner was unable to provide any credible evidence to establish that the transfers were done for a purpose other than to qualify for Medicaid benefits.

THEREFORE, it is on this *2nd* day of JANUARY 2018,

ORDERED:

~~That the Initial Decision affirming the transfer penalty is hereby~~
ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services