

The matter arises regarding the recovery of \$51,240.31 in incorrectly paid benefits. Petitioner has been receiving benefits since October 1, 2014. Mercer County Board of Social Services discovered that he had a bank account that had not been identified on either the application or the redetermination done in 2015. The bank account had been opened in January of 2009 with a deposit of \$100. An additional deposit of \$15,837.98 was made in February 2009. P-4. The account was titled under Petitioner and his son's name with rights of survivorship. P-3.


Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision concluding that Petitioner was over resources and that the Mercer County Board of Social Services was authorized to seek reimbursement of the incorrectly paid benefits pursuant to N.J.S.A. 30:4D-7.i.

The account in question was titled under Petitioner's name and identified by his Social Security number. Petitioner's son claims that the money belonged to him from an account he had as a child. However, the account in question was opened when his son was an adult but Petitioner continued to be listed as the owner, used his address for the statements and had any interest reported to him as income. The Initial Decision found that the record demonstrated Petitioner had unfettered right to the funds which required the account to be included in the countable income. As such, petitioner received incorrectly paid benefits from October 1, 2014 through June 30, 2015.

THEREFORE, it is on this 4th day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services