


entirety and incorporate the same herein by reference. This matter arises from the 405 day transfer penalty assessed by Camden County Board of Social Services' (CCBSS) on October 18, 2017. Due to the unique facts and circumstances presented here, I agree with the ALJ that the record shows that the nominal payments made to two individuals over the course of eighteen months were not intended to be delivered without compensation.

However, with regard to the six transactions that occurred in 2012 and 2013, Petitioner produced no documentation to rebut the presumption that the transfers were made to establish Medicaid eligibility. 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). Petitioner was not able to do so and CCBSS properly assessed a transfer penalty for the 2012 and 2013 transactions.

THEREFORE, it is on this 19th day of NOVEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services