

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON Commissioner

MEGHAN DAVEY

Director

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

L.U.,

PETITIONER,

٧.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
BURLINGTON COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 12910-17

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the contents of the OAL case file and Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision in this matter is September 17, 2018, in accordance with an Order of Extension. The Initial Decision in this matter was received on June 19, 2018.

Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by

reference. At issue is a 314 day penalty imposed due to Petitioner's transfers totaling \$133,412. With one exception¹, the ALJ concluded that the preponderance of credible evidence established that Petitioner made the transfers for a reason other than to qualify for Medicaid eligibility.

Petitioner bears the burden of proof to demonstrate that the funds were transferred for a purpose other than to qualify for Medicaid. N.J.A.C. 10:71-4.10(j). The petitioner had failed to meet her burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and affirmed the transfer penalty.

THEREFORE, it is on this the day of AUGUST 2018,

ORDERED:

That the recommended decision affirming the denial of Medicaid eligibility is hereby ADOPTED.

Meghan Davey, Director
Division of Medical Assistance

and Health Services

¹ Petitioner presented evidence at the hearing to verify expenditures related to the installation of an oven at Petitioner's home.