



amount represents funds paid in December 2017 to his son after Petitioner's home in Pennsylvania sold in September 2017. Petitioner was found eligible as of February 1, 2017. At the redetermination in late 2017, Petitioner disclosed that the Pennsylvania home had sold, he paid off two loans and "disbursed funds." ID at 2. His benefits were then terminated due to excess resources. After spending down, Petitioner was able to regain eligibility as of June 1, 2018 subject to a penalty period that ended on July 9, 2018. ID at 3.


The Initial Decision upholds the transfer penalty as Petitioner 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). The transfer was done after Petitioner had begun receiving benefits. The Initial Decision found that there was no documentation to support that the transfer was done to repay a loan from 1996. In addition to the lack of documentation over this 20 year time period, Petitioner conveyed interest in the Pennsylvania home in 2010 to his daughter rather than his son to whom he allegedly owed a debt. The transfer was done so that if Petitioner died, the home would belong to the daughter which belies the contention that the loan would be repaid from the sale of the house. ID at 7.

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

THEREFORE, it is on this <sup>30<sup>th</sup></sup> day of OCTOBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services