

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

MEGHAN DAVEY

Director

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

O.D.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

HUDSON COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16123-2017

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 12, 2018 in accordance with an Order of Extension.

The matter arises regarding the determination that Petitioner was eligible for benefits on June 1, 2017. Petitioner had applied in January of 2017 and presented a trust containing \$10,000 that she claimed was to pay for her burial expenses. Hudson County

noted that the terms of the trust permitted her son and daughter to benefit from the remaining funds rather than listing the State of New Jersey as the beneficiary of the residue. In May 2017 Petitioner's son liquidated the trust and purchased an irrevocable burial trust with a funeral home. Hudson County determined eligibility as of June 1, 2017.

The ALJ upheld the eligibility date as the trust was available to Petitioner as evidenced by her son's actions. Based on my review of the record, I concur. When the funds were properly converted to a burial trust that named the State of New Jersey as the beneficiary of the remaining funds, Hudson County could exclude the funds from the countable resources and find Petitioner eligible.

THEREFORE, it is on this Cotton day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services