

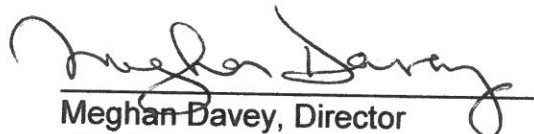
noted that the terms of the trust permitted her son and daughter to benefit from the remaining funds rather than listing the State of New Jersey as the beneficiary of the residue. In May 2017 Petitioner's son liquidated the trust and purchased an irrevocable burial trust with a funeral home. Hudson County 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 6th day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services