



State of New Jersey  
 Department of Human Services  
 Division of Medical Assistance and Health Services  
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 Director

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

S.N.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	ORDER OF REMAND
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 14043-2017
	:	
AND HEALTH SERVICES AND	:	
	:	
ESSEX COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 March 8, 2018 in accordance with an Order of Extension.

This matter arises from the Essex County Board of Social Services' determination that Petitioner was eligible for benefits as of June 1, 2017. Petitioner, who originally sought eligibility as of April 1, 2017, claims that he is eligible as of May 1, 2017. At issue are two checks he wrote which he claims reduces his countable assets to under \$2,000 as of May 1, 2017. The Initial Decision found that Petitioner had demonstrated that the checks were written on the first day and the last day of April 2017 but not presented for payment until May 2017. Based on the record before me, I hereby REVERSE the Initial Decision and REMAND the matter for further findings.

N.J.A.C. 10:71-4.1(e)(2) permits resources to be reduced as of the first of the month when a check has been written in the prior month as it is reasonable that a check may take a few days to be processed and those days may span the end of one month and the beginning of the next. It is not reasonable to expect a check written on the first of the month to lay fallow for more than six weeks before it is presented for payment. Rather Petitioner's actions and the documents in evidence raise questions about when the checks were actually written.

The record shows bank statements from Petitioner's checking account and the checks at issue. It is readily apparent that, except for his signature, Petitioner did not fill out the checks. The checks purportedly written in April 2017 so as to reduce his assets do not align numerically or chronologically.

Check #	Date	Amount	Presented
103	4/30/2017 Sunday	\$1,711	5/17/2017
104	4/1/2017 Saturday	\$487.93	5/16/2017
105	5/1/2017 Monday	\$487.93	5/30/2017

The first two checks, made out to the nursing facility, are written a month apart yet are deposited a day apart. Check #104 dated April 1 aligns with Petitioner's pension for May. The April pension amount was \$478.93 but for some reason two days before he received the April pension, he wrote a check equaling the May amount. There is no explanation as to why Petitioner's checks are out of sequential order and why one was not presented for payment for 46 days.<sup>1</sup>

Moreover, the two prior checks in the new number sequence were purportedly written on March 31, 2017 and deposited April 3, 2017. This would mean that someone visited Petitioner on Friday March 31, 2017 and again on Saturday April 1, 2017 to have him sign the checks for those dates. The same would have occurred on Sunday April 20, 2017 and again on Monday May 1, 2017. The nursing home should have a record of who visited Petitioner on these dates to have him endorse the checks.

For the reasons above, I hereby REVERSE the Initial Decision and REMAND the matter for further findings regarding the out-of-sequence checks, who filled out the checks, and why they are not in chronological order. As Petitioner signed the checks at the nursing home, the remand should answer why the checks were not presented to the nursing home at that time.

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<sup>1</sup> Petitioner signed check #4707 for \$6,000 on January 30, 2017 to Senior Planning Services. That check was not presented for payment until March 27, 2017. The check numbers then reset as it appears that on March 23, 2017 someone ordered new checks for the account with the nursing facility's address imprinted.

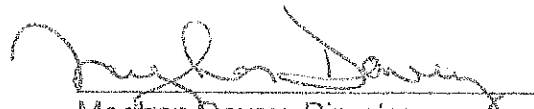
THEREFORE, it is on this 1<sup>st</sup> day of MARCH 2018,

ORDERED:

That the Initial Decision is hereby REVERSED as to the finding that Petitioner drafted the checks in April so as to reduce his resources; and

That the matter is REMANDED to OAL for further proceedings on the circumstances set forth above.

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Meghan Davey, Director  
Division of Medical Assistance  
and Health Services