

## 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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TRENTON, NJ 08625-0712

CAROLE JOHNSON

Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.S.,

PETITIONER.

**ADMINISTRATIVE ACTION** 

V.

FINAL AGENCY DECISION

**DIVISION OF MEDICAL ASSISTANCE:** 

OAL DKT. NO. HMA 07267-2019

AND HEALTH SERVICES AND

**ESSEX COUNTY BOARD OF** 

SOCIAL SERVICES.

RESPONDENTS.

As Assistant Commissioner 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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 24, 2019 in accordance with an Order of Extension.

The matter arises regarding the recovery of \$45,437.50 based on incorrectly paid benefits for Petitioner. Petitioner has been receiving Medicaid since January 2018. In

February 2019, her benefits were terminated because her resources exceeded the \$2,000 limit for an individual. ID at 2. Essex County discovered that Petitioner co-owned two Wells Fargo Bank accounts with her daughter whose balance far exceeded \$2,000 from June 2018 through February 2019. For the reasons set forth below and those contained in the Initial Decision, I hereby adopt in part and modify in part the findings and recommended decision.

The record reflects that Petitioner, through her daughter and Power of Attorney did not offer any evidence to counter the overpayment. In fact, her daughter confirmed that Petitioner was a co-owner of the account. ID at 3. I agree that Petitioner was over resource from June 2018 through February 2019. R-2. However, the \$45,437.50 overpayment reflects charges from March, April and May 2018. The account balances offered by Essex County begin with June 2018. As such, I find that those three months are incorrectly included in the overpayment amount and I hereby reduce the overpayment amount to \$37,291.36.

THEREFORE, it is on this day of OCTOBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED in Part;

That Petitioner's overpayment is MODIFIED to \$37,291.36; and

That Essex County may enter a payment plan to recoup the overpayment.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services