




This matter arises from the Sussex County Board of Social Services' (SCBSS) September 8, 2021 determination that Petitioner transferred \$13,952.10 during the look-back period and was therefore subject to a transfer penalty. Medicaid law contains a presumption that any transfer for less than fair market value during the look-back period was made for the purpose of establishing Medicaid eligibility. See E.S. v. Div. of Med. Assist. & Health Servs., 412 N.J. Super. 340 (App. Div. 2010); N.J.A.C. 10:71-4.10(i). The applicant, "may rebut the presumption that assets were transferred to establish Medicaid eligibility by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j). It is Petitioner's burden to overcome the presumption that the transfer was done – even in part – to establish Medicaid eligibility. The presumption that the transfer of assets was done to qualify for Medicaid benefits may be rebutted "by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j).

It is undisputed that the Petitioner transferred \$13,952.10 to his daughter during the Medicaid application look-back period. However, Petitioner argues that these payments were reimbursement for necessary goods his daughter purchased for him. Petitioner has not provided any documentary evidence to support this claim. Consequently, Petitioner has failed to rebut the presumption that the transfers were solely for a purpose other than qualifying for Medicaid.

THEREFORE, it is on this 22nd day of FEBRUARY 2022,

ORDERED:

That the Initial Decision is ADOPTED.

  
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Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services