



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
Division of Medical Assistance and Health Services
P.O. Box 712
Trenton, NJ 08625-0712

SARAH ADELMAN
Commissioner

GREGORY WOODS
Assistant Commissioner

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

J.D.,

PETITIONER,

v.

BURLINGTON COUNTY BOARD OF
SOCIAL SERVICES AND DIVISION
OF MEDICAL ASSISTANCE AND
HEALTH SERVICES,

RESPONDENT.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. No. HMA 11886-2023

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 27, 2025, in accordance with an Order of Extension.

This matter concerns the transfer penalty assessed against Petitioner. Based on the limited evidence provided, Burlington County Board of Social Services (Burlington County) imposed a penalty of 35 months, 23 days for the transfer of assets within the five-year lookback period. N.J.A.C. 10:71-4.10. ID at 1. More specifically, the transfers in question include: 1) "\$30,000 on March 9, 2019, January 11, 2019, January 4, 2020, and January 5, 2021, 2) \$32,000 on January 4, 2022, 3) \$33,250 on January 20, 2023, and \$227,408.02" for the property located in Edgewater Park, New Jersey. Ibid. The Initial New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

Decision upheld the transfer penalty and determined that Petitioner transferred a total of \$185,250 in assets and determined that the period of ineligibility should be 16 months and 2 days.¹ ID at 2. The Initial Decision also determined that Petitioner failed to rebut the presumption that the transfer was made to qualify for Medicaid. Ibid. Lastly, the Initial Decision determined that:

J.D. suffered traumatic brain injury that has progressively worsened, has seizures, and wound healing problems. She requires assistance with bathing, toileting, transferring, dressing, bed mobility and locomotion. Her son, T.D., has provided home care for her and has lived with her for at least two years prior to 2011. T.D. brings J.D. to her medical appointments. Ibid.

Upon review of the documents contained in the OAL file, it is unclear from the record what assets were transferred for less than fair market value during the 60-month look back period. Here, the Administrative Law Judge (ALJ) failed to provide a recommended decision that contains findings of fact or conclusions of law, and failed to include any documentary evidence or testimony in the Initial Decision that would allow for a determination as to the transfer penalty imposed.

To settle the record, I am remanding the matter to the OAL for a recommended decision that sets forth a reason for the decision and request that the record be further developed by providing proof of the alleged transfer of assets in the amount of \$30,000, \$33,250 and \$227,408.02 imposed by Burlington County. Currently, the file is missing documents entered as evidence such as medical records from Dr. Turtz designated as P-25 and Certification of Dr. Turtz designated as P-19. ID at 5. Upon production of the missing documents, evidentiary proofs and recommended decision based in law and fact,

¹ The ALJ's imposition of 16 months, 2 days appears to modify the period of ineligibility established by Burlington County, which was 35 months, 23 days. ID at 1, 2.

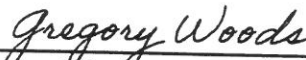
the matter with the complete case file should be returned to the agency to render a Final Agency Decision.

The Initial Decision is hereby REVERSED and REMANDED for a recommended decision that contains finding of facts and conclusions of law, and to further develop the record with documentary evidence for consideration of the transfer penalties imposed against Petitioner.

THEREFORE, it is on this 24th day of FEBRUARY 2025,

ORDERED:

That the Initial Decision is hereby REVERSED and the case REMANDED as set forth above.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance
and Health Services