

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Trenton, NJ 08625-0712

JENNIFER VELEZ

Commissioner

VALERIE HARR
Director

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

M.C.,

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

PETITIONER,

ADMINISTRATIVE ACTION

**FINAL AGENCY DECISION** 

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OAL DKT. NO. HMA 05344-14

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is October 20, 2014 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt,

reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision in this case was received on September 4, 2014.

At issue is a 623 day penalty imposed due to Petitioner's transfers totaling \$162,610. Petitioner bears the burden of proof to demonstrate that she received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). Aside from testimony from family members, Petitioner offered no corroborating evidence with regard to the amount or nature of the transfers at issue. Petitioner was unable to rebut the presumption that the transfers were for less than fair market value. Accordingly, the ALJ found that the Monmouth County Board of Social Services properly considered the \$162,610 transfer of assets and affirmed the transfer penalty.

After reviewing the record, I concur with the ALJ's finding and ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this 20 day of October, 2014,

ORDERED:

That the Initial Decision affirming the transfer penalty is hereby ADOPTED.

Valerie J. Harr, Director Division of Medical Assistance

and Health Services