



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

M.M.,

PETITIONER,

V.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES &
MORRIS COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 14424-2013

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 contents of the OAL case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 24, 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 receipt. The Initial Decision in this matter was received on September 9, 2014.

This matter concerns the imposition of a three month and twenty-four day penalty due to Petitioner's transfer of \$29,647.73 to her daughter.¹ Petitioner, through her daughter, L.B., claimed that the funds were transferred to her to complete an alleged gift from 2003. When Petitioner and her husband sold their home that year, they attempted to gift L.B. \$50,000. L.B. refused the gift and the funds were used to purchase a certificate of deposit (CD) titled as M.M or L.B. They also opened a checking account. In 2008, M.M. wrote a \$10,000 check to L.B. The CD continued to roll over until 2011 when the account was withdrawn. L.B. had assumed control of Petitioner's finances by this time and in August 2011 wrote herself a check for \$25,000.

The Initial Decision found that Petitioner had failed to rebut the presumption that the transfers were done for purposes of qualifying for Medicaid. Petitioner had full access to the funds in the CDs and did use some of those funds for her care. L.B. testified that the CDs were used to generate interest for Petitioner's benefits. The check in 2008 was written by Petitioner. If the funds belonged to L.B., she would have been able to withdraw them without Petitioner needing to write a check.

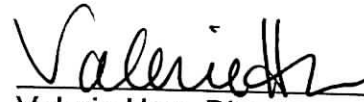
I agree with the reasoning set forth in the Initial Decision as supported by the record. It is Petitioner's burden to demonstrate that the funds were inaccessible or did not belong to her. That did not happen here.

¹ Petitioner transferred \$35,000 but Morris County determined that some of the funds were reimbursement for funds expended on her behalf.

THEREFORE, it is on this 21st day of OCTOBER 2014

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Valerie Harr", written over a horizontal line.

Valerie Harr, Director
Division of Medical Assistance
and Health Services