



Head to file a Final Agency Decision in this matter is October 14, 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 was received on August 27, 2014.

At issue is a seven month and twenty-one day penalty imposed due to Petitioner's transfers totaling \$61,602.00. Petitioner bears the burden of proof to demonstrate that he received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). In exceptions, Petitioner's representative, N.W., asserts that a portion of the total transfers was given to Petitioner's daughter, who is currently disabled and collecting SSI, and another portion, originally intended for burial expenses, was used to pay the nursing home and taxes. During the processing of the application, Petitioner was given half a dozen opportunities to present all available evidence regarding these transfers and was unable to do so. At the hearing, Petitioner was unable to rebut the presumption that the transfers were for less than fair market value. Accordingly, the ALJ found that the Camden County Board of Social Services properly considered the \$61,602.00 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 23<sup>RD</sup> day of October, 2014,

ORDERED:

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

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

Valerie J. Harr, Director  
Division of Medical Assistance  
and Health Services