

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE Governor

KIM GUADAGNO

ELIZABETH CONNOLLY
Acting Commissioner

VALERIE HARR

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

M.B. and K.B.,

PETITIONER,

٧.

ADMINISTRATIVE ACTION

DIVISION OF MEDICAL ASSISTANCE

FINAL AGENCY DECISION

AND HEALTH SERVICES AND

OAL DKT. NO. HMA 15436-14

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 is August 13, 2015 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 June 29, 2015.

Based upon my review of the record, I hereby ADOPT the Initial Decision of the Administrative Law Judge. The undisputed facts in this matter indicate that Petitioner was ineligible for Medicaid due to income derived from a 401K withdrawal. As a result, Monmouth County Board of Social Services (MCBSS) requested reimbursement of Medicaid benefits in the amount of \$15,340.20.

The Division is statutorily authorized to seek reimbursement of Medicaid overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division:

To take all necessary action to recover the cost of benefits incorrectly provided to . . . a recipient . . .

However, I agree with the ALJ's finding that Petitioners did not deliberately conceal the existence of their 401K, and in fact reported the income on their 2013 redetermination. MCBSS assisted Petitioners in filing their 2005 Medicaid application. At the time, Petitioner mistakenly failed to include the existence of a 401K. Petitioner did however supply MCBSS with paystubs that showed the deduction, and supplied those same paystubs every year thereafter upon redetermination.

Pursuant to N.J.S.A. 30:4D-7.I., I am authorized to "compromise, waive or settle any claim under this act." Based upon my review of the record, I am reluctant to penalize Petitioners under the specific facts presented here and conclude that this is an appropriate case to exercise the authority granted to me by N.J.S.A. 30:4D-7.I. to waive the claim for the overpayment.

THEREFORE, it is on this 26 day of AUGUST 2015,

ORDERED:

That the Division waives recovery of the claim.

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