

## State of New Jersey

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

ELIZABETH CONNOLLY
Acting Commissioner

MEGHAN DAVEY
Director

KIM GUADAGNO
Lt. Governor

CHRIS CHRISTIE

Governor

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

D.P.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
OCEAN COUNTY BOARD OF
SOCIAL SERVICES.

ADMINISTRATIVE ACTION
FINAL AGENCY DECISION

OAL DKT. NO. HMA 07266-17

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 contents of the OAL case file. Petitioner filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision in this matter is August 28, 2017, 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 matter was received on July 14, 2017.

Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by reference. At issue is a 257 day penalty imposed due to Petitioner's transfers totaling \$85,512.39. The ALJ concluded that the preponderance of credible evidence established that Petitioner made the transfers for a reason other than to qualify for Medicaid eligibility. I accept the ALJ's fact-findings, which are based, in part, upon his assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 575 (1988).

Petitioner bears the burden of proof to demonstrate that the funds were transferred for a purpose other than to qualify for Medicaid. N.J.A.C. 10:71-4.10(j). The petitioner had failed to meet her burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and affirmed the transfer penalty.

THEREFORE, it is on this of day of AUGUST 2017,

## ORDERED:

That the recommended decision affirming the denial of Medicaid eligibility is hereby ADOPTED.

> Meghán Davev. Director Division of Medical Assistance

and Health Services