



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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

R.W.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

SOMERSET COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17759-2017

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is October 30, 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 receipt. The Initial Decision was received on September 13, 2017.

The matter arises from the denial of Petitioner's application for Medicaid benefits for failure to provide verifications. Petitioner applied for Medicaid benefits in June 2016, claiming he was separated but gave no information about his wife. Somerset County requested additional financial information as well as information about his spouse. Petitioner alleged he had been separated from his spouse since January 2011 at which time they separated their assets. The request for a waiver of the requirement to provide information about his spouse was denied. By notice dated November 2, 2017, Somerset County denied the application and Petitioner appealed.

The Initial Decision upheld the denial and, based on the record before me, I concur. Petitioner's claim that he is unable to provide information regarding his wife's assets as they separated their assets in January 2011 is disingenuous. The Initial Decision highlights the inconsistencies in the statements and documents Petitioner presented as proof that he was unable to obtain the information.

For example, Petitioner produced a separation agreement signed February 10, 2012 "with a purported effective date of November 1, 2010 – some fourteen months prior and five months after the reported marriage date of May 30, 2010." ID at 10. Yet, since that time, the couple has sold one home in 2012, purchased and financed another home worth \$1,050,000 in 2013 and filed for bankruptcy as joint debtors in 2015. The bankruptcy forms filed in November 2015 aver that the debtors are married and are living in the same household. R-10. The joint debt of \$935,183.75 was from the purchase of their new home 2013, a year after they signed the separation agreement. These are not actions of an estranged couple as they continue to act as husband and wife so as to engage in financial transactions and file legal documents.


Additionally, the property is classified as 15F and is exempt from taxes. R-6. See N.J.A.C. 18:12-2.2(q). The tax records indicate that the exemption is based on disabled veteran owning and residing in the home. However, Petitioner, who is the disabled veteran, claims he does not own the home and only lives in a portion of the property. It is unclear how Petitioner's wife, as the sole owner, can receive the property tax exemption if she is the sole owner of the property and Petitioner only resides in a portion of the property. See Hays v. Paramus Borough, 28 N.J. Tax 342 (Tax Ct. Apr. 17, 2015).

As noted by the ALJ, Petitioner and his spouse are engaged in "convoluted interactions" for personal, financial and legal purposes. ID at 9. Petitioner's failure to provide information about these interactions and the couple's financial information makes it "highly improbable, if not impossible, for the CWA to make a complete evaluation of" the Medicaid application. ID at 11. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{20th} day of OCTOBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services