

State of New Jersey Department of Human Services Division of Medical Assistance and Health Services

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PHILIP D. MURPHY

Governor

_Carole_Johnson_

Acting Commissioner

Sheila Y. Oliver Lt. Governor Meghan Davey Director

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

L.B.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 14051-17

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. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision in this matter is March 15, 2018, 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

December 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 transfer penalty imposed due to the removal of Petitioner's

name from a jointly held bank account with her mother and brother. It is not uncommon

for elderly individuals to add a relative's name to accounts to help with their finances or

to have assets pass outside of probate. The Appellate Court has stated that "joint

accounts are sometimes used as 'convenience accounts,' so that another party may

more easily handle the financial affairs of the true owner of the asset."

Bronson, 218 N.J.Super. 389, 394 (App.Div.1987). While adding the Petitioner's name

to her mother's account could constitute a transfer for Medicaid purposes, the ALJ here

concluded that the preponderance of credible evidence established that Petitioner's

name was added to her mother's account for the convenience of her elderly mother and

not for Petitioner's benefit.

THEREFORE, it is on this Andrew day of FEBRUARY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Division of Medical Assistance

and Health Services