

April 5, 2019.

The matter arises from the denial of Petitioner's application for Medicaid benefits for failure to provide verifications. The nursing home where Petitioner resides is identified as his authorized representative and applied for Medicaid benefits in October 2017. This was Petitioner's fourth application for benefits. In this application Petitioner claimed he was separated but gave no information about his wife. R-4. In the two prior applications he stated he was married. R-2 and R-3. He listed a pension of \$62.51 a month, no resources and stated he was the sole owner of his home. However, Ocean County was able to verify that his wife jointly owned the property and resided there. Ocean County also found at least one joint bank account that received his pension and undisclosed Veterans' Administration benefits and requested information about sources of several deposits as well as electronic transfers of funds to another unknown account. ID at 5. Petitioner also was receiving health benefits from his wife's employer. R-14.

Petitioner and his wife had intertwined financial resources. As a joint owner of the bank account, Petitioner would have access to the requested information about sources of several deposits as well as electronic transfers of funds to another unknown account. ID at 5. To that end, a spousal waiver was not appropriate since the information was in his control. Thus, it was appropriate for Camden County to deny the case for the failure to provide information regarding Petitioner's assets.


Additionally, Petitioner's request for a spousal waiver is not appropriate. The couple was not estranged and had not broken their marital ties. They shared ownership of a home and at least one bank account. She provided health insurance for Petitioner and was in negotiations with the nursing home through the fall of 2018. She had hired counsel and there was "a tentative agreement" regarding the outstanding nursing home bill. ID at 8. As the Initial Decision noted when "[c]oupled with the numerous omission of assets and

income presented in the petitioner's application, [the wife's] efforts in the matter appear to constitute more of a case of evasion rather than an otherwise insurmountable barrier preventing spousal cooperation." ID at 14. Thus for the findings and reasons set forth in Initial Decision, I hereby uphold the denial of Petitioner's application. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{17th} day of MAY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services