

## State of New Jersey Department of Human Services Division of Medical Assistance and Health Services P.O. BOX 712

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PHILIP D. MURPHY
Governor

Sheila Y. Oliver Lt. Governor Carole Johnson Commissioner

Meghan Davey Director

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

C.L.,

PETITIONER,

**ADMINISTRATIVE ACTION** 

٧.

FINAL AGENCY DECISION

BERGEN COUNTY BOARD OF SOCIAL SERVICES,

RESPONDENT.

OAL DKT. NO. HMA 06674-18

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 January 24, 2019 in accordance with an Order of Extension.

The matter arises regarding the recovery of \$8,229.26 in incorrectly paid benefits. Petitioner had been receiving Medicaid benefits through the Bergen County Board of Social Services (BCBSS). On April 20, 2016 and again on July 20, 2017,

Petitioner certified that she had no income, other than social security, or resources. However, the Asset Verification System (AVS) and statements from Petitioner's Bank of America and Chase accounts revealed that the Petitioner's accounts exceeded \$4,000 from October 1, 2016 through March 31, 2018.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision concluding that BCBSS was authorized to seek reimbursement of the incorrectly paid benefits pursuant to N.J.S.A. 30:4D-7.i during the time period Petitioner was over resources. Furthermore, I agree with the ALJ and accept her fact-findings, which are based, in part, upon her assessment of the witnesses who testified at the administrative hearing. Clowes v. Terminix, 109 N.J. 575 (1988). The recitation of facts show that Petitioner's bank accounts were in existence from 2011 through 2018 and that there were multiple and current deposits and withdrawals every month. Moreover, Petitioner's testimony about the source of the funds in the accounts was not consistent with her explanation to BCBSS.

THEREFORE, it is on this \ \ \ day of DECEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services