



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Acting Director

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

L.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

OCEAN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16209-2018

As Acting 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. Both Petitioner and Respondent filed exceptions. Procedurally, the time period for the Agency Head to file a Final Decision is July 12, 2019, in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's Medicaid application due to the failure to provide information regarding the couple's assets. Petitioner had applied in April 2018 and was denied for failure to provide verifications. He did not appeal that denial. He reapplied in August 2018. At that time he was residing in a nursing home. Petitioner reported that he and his wife had around \$14,000 in assets and income only from Social

Security. ID at 3. However, Ocean County noted that there were regular deposits to the couple's bank account as well as monthly credit card payments that exceeded the couple's total income. For example, their monthly Social Security income of \$2,198.20 was deposited in their account in July 2017. That same month, there were three other deposits totaling \$3,820 as well as monthly payments to credit cards that exceeded \$4,000. ID at 3 - 4. By letter dated September 7, 2018 Ocean County questioned these transactions. When no response was received by the September 17 due date, another was sent on September 26, 2018 to Petitioner's authorized representative, Senior Planning Services (SPS). This request required "proof of origin for all deposits other than [Petitioner] and spouse's income" and Petitioner was given a due date of October 6, 2018 R-8.

Over the next month, Petitioner's wife provided written explanation of the deposits to the account and large charges to the credit cards. She stated she had been working for seven years for a golf course procuring food for the concession stand that was open from May to October. She would purchase the concession items with her own credit card and would be reimbursed for their cost as well as being paid "approximately \$150 per week in cash." ID at 5. She also stated her son-in-law gives her cash which she would deposit in the couple's bank account.

Ocean County determined that Petitioner failed to verify his wife's income and satisfactorily explain the deposits that appeared in their bank account as to determine eligibility. Petitioner, through SPS, filed for a fair hearing.

The Initial Decision determined that the denial of Petitioner's Medicaid application was appropriate. Petitioner had failed to disclose his wife's employment at the golf course but then could not verify her wages due to her "still-unidentified" employer's refusal to "provide anything in writing to explain or verify any of the funds they provided to" his wife. ID at 12. Petitioner's claim that Ocean County should have contacted this employer to verify the terms of employment fails to mention that "neither [P]etitioner, SPS,[nor his wife]

provided [Ocean County] with basic information such as the name of the employer.” ID at 13. Moreover, as the Initial Decision pointed out, Petitioner’s bank account showed “substantial deposits and expenditures” outside of the time his wife said she was working. ID at 13.

Petitioner’s statement that some of the deposits were cash from their son-in-law is not supported by any credible documentation. The characterization of these cash transactions as a loan is similarly not supported by any promissory note. There is no evidence how much was received by Petitioner and which of the deposits are attributed as loans.

In exceptions, Petitioner restates the Initial Decision’s description of the testimony and his previously submitted written summation. I cannot discern any new argument or exception to the Initial Decision. The exceptions filed by Respondent do counter Petitioner’s arguments with statements from Ivan Mendoza who testified at the hearing for Ocean County. Ocean County could not align the thousands of dollars that passed through Petitioner’s account with Petitioner’s statement regarding employment as well as large deposits and withdrawals that occurred outside of her seasonal employment.

Having reviewed this record, I concur with the Initial Decision’s finding that Petitioner failed to provide verification of the couple’s income and resources. Thus, I hereby ADOPT the Initial Decision finding that Petitioner’s application was properly denied.

THEREFORE, it is on this 10<sup>th</sup> day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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Carol Grant, Acting Director  
Division of Medical Assistance  
and Health Services