


At issue is a 121 day penalty imposed due to Petitioner's transfers totaling \$51,500. In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. Under the regulations, "[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period" a transfer penalty of ineligibility is assessed. N.J.A.C. 10:71-4.10 (c). It is Petitioner's burden to overcome the presumption that the transfer was done – even in part – to establish Medicaid eligibility. The presumption that the transfer of assets was done to qualify for Medicaid benefits may be rebutted "by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j). The Petitioner failed to meet his burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and affirmed the transfer penalty.

After reviewing the record, I concur with the ALJ's findings that Petitioner was unable to provide any credible evidence to establish that the transfers were done for a purpose other than to qualify for Medicaid benefits.

THEREFORE, it is on this 17th day of JANUARY 2019,

ORDERED:

That the Initial Decision is ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services