

State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 Trenton, NJ 08625-0712

CAROLE JOHNSON Commissioner

MEGHAN DAVEY Director

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

S.M., PETITIONER, v. FINAL AGENCY DECISION FINAL AGENCY DECISION OAL DKT. NO. HMA 14658-2016 OAL DKT. NO. HMA 14658-2016 and HMA 02604-2018 CAMDEN COUNTY BOARD OF SOCIAL SERVICES, RESPONDENTS.

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is June 7, 2019, in accordance with <u>N.J.S.A</u>. 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 was received on April 23, 2019.

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor Petitioner's application from 2015 was denied due to excess resources of \$70,000 that she held in a joint account with her son. Despite her contention that the funds belonged to her son, that denial was upheld by the prior Initial Decision and adopted by the Final Agency Decision. Petitioner appealed the denial to the New Jersey Superior Court, Appellate Division and the matter was remanded so as to supplement the record with a letter from Liberty Bell Bank and to consider this letter in relation to the denial. Petitioner applied for benefits again and was found eligible as of January 1, 2015 with a penalty for transfer of \$58,000 in resources. Both the remand and the appeal of the transfer penalty were consolidated at the OAL.

The Initial Decision again determined that Petitioner had not demonstrated that the funds were not her resource. There was no credible evidence or documentary trail that the funds in the account belonged to Petitioner's son. The letter from Liberty Bell Bank was neither certified nor attested to. Moreover, it "provided no basis for its opinion that the funds originated with [the son], particularly since the transfers were made from joint accounts." ID at 7.

I have reviewed the case file and concur with the ALJ's findings of fact and the conclusion that Camden County properly denied the first application and assessed a penalty on the second application. As such, I incorporate those findings and conclusions by reference.

THEREFORE, it is on this day of MAY 2019

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director **Division of Medical Assistance**

and Health Services

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