

benefits for Petitioner. On Petitioner's January 9, 2019 Medicaid application, Petitioner identified a PNC Bank account as belonging solely to Petitioner. R-1. On January 24, 2020, Petitioner submitted a renewal application for her Medicaid benefits. Ibid. Updated bank statements were not provided with her renewal application; however, through an Asset Verification System (AVS) search performed by the Bergen County Board of Social Services (BCBSS), it was determined that the balance in Petitioner's previously reported PNC Bank account was \$5,000.70 from August 1, 2019 through January 31, 2020, exceeding the resource limit of \$2,000 during that time period. Ibid. BCBSS determined that during the referenced time period, payments on Petitioner's behalf totaled \$8,613.74.

A "resource" is defined as "any real or personal property which is owned by the applicant . . . and which could be converted to cash to be used for his/her support and maintenance." See 20 C.F.R. § 416.1201(a) and N.J.A.C. 10:71-4.1(b). If the individual has the right, authority, or power to liquidate the property, it is considered a resource. Ibid. A resource is "countable" for purposes of eligibility determinations if it is "available to the applicant/beneficiary or any person acting on his or her behalf." N.J.A.C. 10:71-4.1(c)(3).

In the present matter, the Asset Verification System (AVS) used Petitioner's Social Security number and other identifiers to discover the accounts owned by Petitioner. See Medicaid Communication NO. 17-16. The AVS search revealed that Petitioner's previously reported PNC Bank account contained funds in excess of the \$2,000 resource limit to qualify for benefits from August 2019 through January 2020. As a result, Petitioner was ineligible for benefits during that period. While Petitioner argues that the funds contained in her PNC Bank account belonged to her daughter, Petitioner was the sole owner of the account and thus, maintained the ability and authority to use the funds contained in the account during the referenced time period. Therefore, Petitioner was not eligible for those months in which her resources exceeded \$2,000, and the recovery of the overpayment is appropriate, pursuant to N.J.A.C. 30:4d-7i and N.J.A.C. 10:49-14.4(b). Accordingly, I FIND that the

overpayment determination should be affirmed.

THEREFORE, it is on this 5th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services