



the funds contained in a joint PNC Bank account that Petitioner shared with her daughter, A.F, Petitioner exceeded the \$4,000 eligibility resource limit to qualify for benefits during the months of October 2018 through August 2019. R-1. For the reasons set forth below and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's findings that Warren County appropriately sought recoupment of Medicaid overpayments from Petitioner for the period at issue.

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). Pursuant to N.J.A.C. 10:71-4.1(d)2, "when a savings or checking account is held by the eligible individual with other parties, all funds in the account are resources to the individual, so long as he or she has unrestricted access to the funds regardless of their source."

In the present matter, the record reflects that Petitioner had the right, authority, or power to use the joint PNC Bank account, pursuant to N.J.A.C. 10:71-4.1(c), and further had unrestrictive access to the funds in the account, pursuant to N.J.A.C. 10:71-4.1(d)2. A.F. confirmed at the hearing in this matter that Petitioner was a co-owner of the account. ID at 3 and 5. Moreover, A.F. testified that Petitioner was added to the account so that Petitioner could obtain a debit card and be able to access the account's funds should Petitioner need money in an emergency. Id. at 3. While, A.F. testified that the Petitioner did not contribute to any of the funds deposited into the account, Petitioner still maintained the ability and authority to use the account because she was the co-owner of the account. Id. at 3. Through the Asset Verification System (AVS), which used Petitioner's Social Security number and other identifiers, Warren County was able to determine the amount in that account put

Petitioner over the Medicaid resource eligibility limit of \$4,000. Therefore, Petitioner was not eligible for those months in which her resources exceeded \$4,000, 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 of \$15,606.65 for the period of October 1, 2018 through August 31, 2019 is appropriate and is thus, affirmed.

THEREFORE, it is on this 22nd day of AUGUST 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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