



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

I.M.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
	:	FINAL AGENCY DECISION
v.	:	
	:	OAL DKT. NO. HMA 04710-14
	:	
DIVISION OF MEDICAL ASSISTANCE	:	
	:	
AND HEALTH SERVICES AND	:	
	:	
ATLANTIC COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 29, 2014 in accordance with N.J.S.A. 52:14B-10 which requires an

Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision in this matter was received on August 14, 2014.

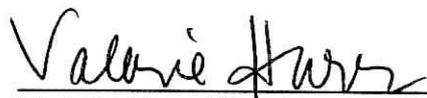
At issue is a twenty-nine day penalty imposed due to Petitioner's transfers totaling \$7,500. Specifically at issue are a September 26, 2008 check in the amount of \$5,000 and a January 1, 2009 check in the amount of \$2,500. Petitioner bears the burden of proof to demonstrate that he received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). Here, the ALJ concluded that the record established Petitioner received fair market value for the \$5,000 transfer but was unable to produce evidence to establish fair market value for the \$2,500 transfer. The ALJ then reversed the portion of the penalty relating to the \$5,000 transfer but upheld the portion of the penalty relating to the \$2,500 transfer.

After reviewing the record, I concur with the ALJ's findings and, due to the unique facts and circumstances presented here, ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this *30th* day of SEPTEMBER 2014,

ORDERED:

That the Initial Decision is hereby ADOPTED as the Final Decision in this matter.



Valerie Harr, Director
Division of Medical Assistance
and Health Services