



State of New Jersey  
DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES  
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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

J.S.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>FINAL AGENCY DECISION</b>
	:	
DIVISION OF MEDICAL ASSISTANCE	:	<b>OAL DKT. NO. HMA 9106-2013</b>
	:	
AND HEALTH SERVICES AND	:	<b>AND HMA 551-2014</b>
	:	
MORRIS 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 and the documents in evidence. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 25, 2014 in accordance with an Order of Extension.

This matter concerns Petitioner's application for nursing home benefits in October 2012. Petitioner has no bank accounts, never drove and has no credit history. Her Social Security checks were given to her sister who deposited them in her account. Petitioner's daughter is also disabled and has been receiving public benefits as well.

Petitioner's lack of traditional financial accounts by which Morris County could determine current resource eligibility much less complete the five year look back makes this case unique. There is no documentation to show what Petitioner did with her \$2,443.69 in monthly income.<sup>1</sup> It is Petitioner's burden to demonstrate that the income she received was not transferred or gifted. Since there are no bank records that would show the cash flow over the five year period, Morris County and the ALJ resorted to extraordinary means in determining this case.

The Initial Decision found that Petitioner had demonstrated that the large bulk of her assets were used for her needs. Petitioner also used her income to pay for her daughter's expenses. The record is silent as to what the daughter, who is also disabled and receives benefits, contributed to the household. To that extent, assets Petitioner spent on her daughter are not considered a transfer of assets. N.J.A.C. 10:71-4.10(e). However, \$13,217.31 remained unaccounted and Petitioner failed to account for this amount. Based on my review of the record and the extensive analysis done by the ALJ, I am satisfied that due to the unique

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<sup>1</sup> The record does not indicate that Petitioner's sister was her representative payee for her Social Security benefits. Such a payee is required to keep fund separate and to be able to account for all expenditures. See <http://www.ssa.gov/payee/faqrep.htm#a0=4&sb=4>

circumstances of this case, the transfer penalty was appropriately modified to 51 days.

THEREFORE, it is on this <sup>25</sup> day of SEPTEMBER 2014

ORDERED:

That the Initial Decision is hereby ADOPTED, and

That Petitioner's penalty shall be set at 51 days from October 1, 2012 through November 20, 2012.

A handwritten signature in black ink, appearing to read "Valerie Harr", written over a horizontal line.

Valerie Harr, Director  
Division of Medical Assistance  
and Health Services