



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

K.S.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>FINAL AGENCY DECISION</b>
	:	
	:	<b>OAL DKT. NO. HMA 08419-14</b>
	:	
DIVISION OF MEDICAL ASSISTANCE	:	
	:	
AND HEALTH SERVICES AND	:	
	:	
GLOUCESTER 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. Procedurally, the time period for the Agency Head to file a Final Agency Decision is October 27, 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 the agency's receipt. The Initial Decision was received on September 12, 2014.

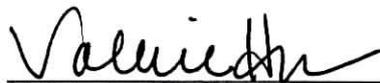
Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. I accept the Administrative Law Judge's (ALJ) fact-findings, which are based, in part, upon his assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 577 (1988). Here, the ALJ weighed the testimony and documentary evidence and found that Petitioner's husband lived and worked full time outside of New Jersey from June 2010 through June 2013. Additionally, the ALJ correctly notes that Petitioner did not dispute the June 2013 termination of benefits.

The issue presented here is whether Petitioner is required to pay the Medicaid overpayment for that period of time during which her husband resided outside of the State of New Jersey. The credible evidence in the record indicates that Petitioner has failed to demonstrate that her husband was a permanent resident of New Jersey in accordance with N.J.A.C. 10:78-3.3. Petitioner was not eligible to receive Medicaid benefits from June 2010 through June 2013. As a result, the Gloucester County Board of Social Services is obligated by statute and regulation to seek reimbursement of \$8,140.39 in incorrectly paid benefits. N.J.A.C. 30:4d-7i and N.J.A.C. 10:49-14.4(b).

THEREFORE, it is on this 23<sup>rd</sup> day of October 2014,

ORDERED:

That the Administrative Law Judge's recommended decision finding that Petitioner must reimburse the Division for incorrectly paid Medicaid benefits is hereby ADOPTED.



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Valerie J. Harr, Director  
Division of Medical Assistance  
and Health Services