

Based upon my review of the record, I hereby ADOPT the Initial Decision finding that Petitioner is not responsible for an overpayment sought by the County in connection with her receipt of NJ Workability benefits. When Petitioner applied for the Workability program on July 24, 2012, she indicated that she was employed by the Unique Home Care & Companionship Corporation. On June 10, 2013, Petitioner applied for food stamps and listed her income as social security disability benefits. On the food stamp application, she indicated that her employment with Unique Home Care had ended on December 2012 and responded to a question asking what she has been doing since her last employment by stating that she is "on disability".

The Workability program requires that participants be employed. Since Petitioner's employment with Unique Home Care had ended, the County sought recovery of the \$2,914.41 in Medicaid benefits that Petitioner received while she was no longer eligible for the program.

After receiving the overpayment letter, Petitioner met with her caseworker who told her to obtain letters regarding the services she provided to her neighbors with the amount paid each month. At the hearing, Petitioner testified that when her employment with Unique Home Care had ended, she started driving neighbors in her apartment building to appointments, stores and other places, receiving between \$10.00 and \$15.00 per month. Petitioner submitted letters from five neighbors, three of whom appeared at the hearing and testified that Petitioner drove them on errands and to appointments. The ALJ found that

Petitioner had established that she was employed, albeit on a very part-time basis, by providing transportation to her neighbors.

I accept the ALJ's 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). Based upon the Petitioner's testimony as well as the letters from her neighbors and their corroborating testimony, I agree with the ALJ that Petitioner was employed during the time period at issue. As a result, I agree that under the unique and specific facts and circumstances presented here, Petitioner is not responsible for the Medicaid overpayment.¹

THEREFORE, it is on this 8th day of August 2014,

ORDERED:

That the Initial Decision is hereby ADOPTED as the Final Decision.



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

¹ I note that Petitioner indicated on her food stamp application that she is not working. Should the County pursue recovery of those benefits, it is under the jurisdiction of the Division of Family Development, not the Division of Medical Assistance and Health Services.