



**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**

W.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

CAMDEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 5848-2014**

**On REMAND HMA 9502-2013**

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Settlement Agreement 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 October 6, 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 was received on August 22, 2014.

This matter concerns Petitioner's failure to disclose ownership and subsequent transfer of stocks. She had been found eligible for Medicaid benefits in 2009 and transferred the stocks in 2010.

The parties entered into a settlement wherein the termination was accepted and Petitioner agreed to reapply for benefits. The stock at issue, including the transferred stock, will be sold and the proceeds sent to Camden County Board of Social Services to apply towards Petitioner's incorrectly paid benefits. The amount not covered by the stock shall be paid by Petitioner's son.

By Initial Decision dated August 20, 2014, the ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties, in accordance with N.J.A.C. 1:1-19.1.

Based on my review of the record, I concur with the ALJ's findings. However, the Settlement Agreement fails to set any time for liquidating the stock. As stocks are considered liquid resources which can be converted to cash within 20 days, Petitioner and her son shall have 20 days to comply with the sale of the stocks. See N.J.A.C. 10:71-4.1(c) and 20 C.F.R. § 416.1201. Since Petitioner must reapply for benefits, the status of the stock shall be addressed at that time. Thus, I hereby ADOPT the Settlement Agreement but MODIFY the time to comply with the limit set by regulation.

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

ORDERED:

That the Initial Decision approving the Settlement Agreement is hereby ADOPTED in Part; and

The Initial Decision is MODIFIED in part to require Petitioner to comply with the liquidating the stock within 20 days of this FAD and Petitioner shall provide proof of the sale in conjunction with the new Medicaid application.



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Valerie Harr, Director  
Division of Medical Assistance  
and Health Services