

Initial Decision within 45 days of receipt. The Initial Decision in this matter was received on August 27, 2014.

Petitioner applied for Medicaid benefits on November 18, 2013. As a result of transfers totaling \$38,700.00, Camden County Board of Social Services (CCBSS) imposed a transfer penalty of four months and twenty-four days. The ALJ found that CCBSS properly determined the effective date of Petitioner's eligibility. The Initial Decision affirmed the transfer penalty.

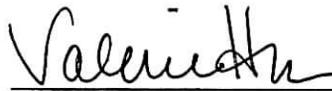
In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. During that time period, a resource cannot be transferred or disposed of for less than fair market value. 42 U.S.C.A. § 1396p(c)(1); see also N.J.A.C. 10:71-4.10(a). If such a transfer occurs, the applicant will be subject to a period of Medicaid ineligibility to be imposed once the person is otherwise eligible for Medicaid benefits. Ibid.; N.J.S.A. 30:4D-3(i)(15)(b).

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, Petitioner was unable to rebut the presumption that the transfers were for less than fair market value. Petitioner alleged that the transfers were intended to pay for home renovations that would benefit Petitioner. The evidence presented shows receipts for transactions prior to 2006. However, the transfers in question occurred between 2009 and 2013. The transactions were mostly transfers to another account or cash withdrawals with no indication of the intended purpose of the transfer. Without more to establish a nexus between the receipts and the later transfers, the ALJ found that CCBSS properly considered the \$38,700 transfer of assets and affirmed the transfer penalty.

THEREFORE, it is on this 14th day of October, 2014,

ORDERED:

That the Administrative Law Judge's recommended decision affirming the transfer penalty of four months and twenty-four days is hereby ADOPTED.

A handwritten signature in cursive script, appearing to read "Valerie J. Harr", is written above a solid horizontal line.

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