

reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision in this matter was received on July 14, 2017.

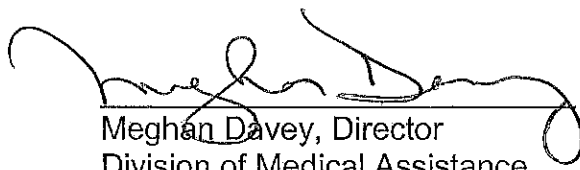
Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by reference. At issue is a 257 day penalty imposed due to Petitioner's transfers totaling \$85,512.39. The ALJ concluded that the preponderance of credible evidence established that Petitioner made the transfers for a reason other than to qualify for Medicaid eligibility. 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. 575 (1988).

Petitioner bears the burden of proof to demonstrate that the funds were transferred for a purpose other than to qualify for Medicaid. N.J.A.C. 10:71-4.10(j). The petitioner had failed to meet her burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and affirmed the transfer penalty.

THEREFORE, it is on this 21st day of AUGUST 2017,

ORDERED:

That the recommended decision affirming the denial of Medicaid eligibility is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services