



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

D.T.,

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 02254-17

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 contents of the OAL case file. Neither party filed
exceptions to the Initial Decision. Procedurally, the time period for the Agency
Head to render a Final Agency Decision in this matter is November 20, 2017, 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 in this matter was received on October 4, 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 transfer penalty imposed due to Petitioner's transfer of his small business to his son-in-law for no consideration. The ALJ concluded that the preponderance of credible evidence established that Petitioner transferred his interest in his business for less than fair market value, but that his expert witness credibly testified that the valuation of business at the time of transfer was \$24,000. 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.

THEREFORE, it is on this 17th day of NOVEMBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services