

resulting in a 216-day period of ineligibility. After reviewing the record, I concur with the ALJ's findings and hereby ADOPT them in their entirety

Any transfer for less than fair market value during the look-back period is presumed to have been made for the purpose of establishing Medicaid eligibility. E.S. v. Division of Medical Assistance & Health Services, 412 N.J. Super. 340, 353 (App. Div. 2010); N.J.A.C. 10:71-4.10(i). As noted in the Initial Decision, it is the applicant's burden to rebut this presumption by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose. N.J.A.C. 10:71-4.10(j). Moreover, pursuant to N.J.A.C. 10:71-4.10(b)6.ii, care and services provided for free in the past are presumed to have been intended to be delivered without compensation. If payment is to be made there must a preexisting written agreement to pay for such services at a fair market rate. In this case, there was no agreement to compensate Petitioner's children for her care.

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

ORDERED:

That the Initial Decision imposing a \$71,939 transfer penalty is hereby ADOPTED as the Final Agency Decision.


Meghan Davey, Director
Division of Medical Assistance
and Health Services