

the County erred in failing to close Petitioner's case in a timelier manner, the Division is nevertheless statutorily authorized to seek reimbursement of the overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division:

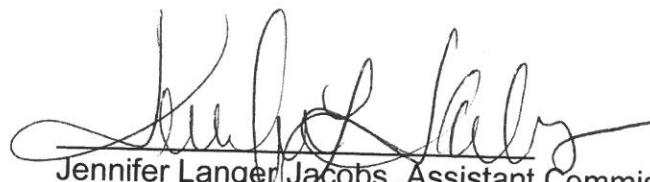
To take all necessary action to recover the cost of benefits incorrectly provided to . . . a recipient . . . No recovery action shall be initiated more than five years after an incorrect payment has been made to a recipient when the incorrect payment was due solely to an error on the part of the State or any agency, agent or subdivision thereof;

The undisputed facts in this case indicate that the Petitioner began to receive monthly Social Security benefits of \$2,005 beginning in August 2017. This would potentially make him ineligible for the month of August.¹ However, Bergen County's notice and the notes in the record state that Petitioner was ineligible for the months of September 2017 through July 2018 due to excess income. As a result, I agree that that Bergen County appropriately sought reimbursement for Medicaid payments and that the amount should be adjusted to reflect only the Medicaid overpayments for the months of September 2017 through July 2018.

THEREFORE, it is on this 29th day of February 2020,

ORDERED:

That Petitioner reimburse the Bergen County Board of Social Services for incorrectly paid benefits in the amount of \$5,909.86 pursuant to a reasonable repayment plan.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services

¹ If Bergen County later determines that Petitioner was not entitled to Medicaid benefits for August 2017, they are not precluded from issuing a determination of overpayment, including fair hearing rights.