

resources. Petitioner had disclosed two accounts held with a credit union on his application and redeterminations. Bergen County conducted an Asset Verification Search (AVS) and two unreported TD Bank accounts surfaced under Petitioner's name and Social Security number. These accounts were jointly owned with Petitioner's mother.

Pursuant to N.J.S.A. 30:4D-7.i, the Commissioner of Human Services is "to take all necessary action to recover the cost of benefits incorrectly provided to" a Medicaid recipient. These newly discovered TD bank accounts and those that had been previously disclosed had balances that exceeded the \$4,000 limit. The record shows that the TD Bank savings account was owned by Petitioner and contained his assets. ID at 9. The account was set up when Petitioner was a minor. As he long ago reached the age of majority, the funds are properly counted in his resource assessment.

The other TD bank account is a checking account. Petitioner's mother testified that she added him to the account when she was diagnosed with leukemia about ten years ago so he could pay bills if she became incapacitated. ID at 5. The bank statements show that only his mother's income was deposited in the account and then used to pay her expenses. Petitioner's name does not appear on the checks for the account and his name has now been removed. I am satisfied that the record demonstrates that Petitioner does not have the right to the funds in this account.

Thus for the reasons set forth above and those contained in the Initial Decision, I FIND that the overpayment determination needs to be redone by Bergen County with the three accounts above. Therefore the matter is RETURNED to Bergen County for a determination if any of the months in question exceeded the resource standard and to issue a new overpayment notice, if warranted.

THEREFORE, it is on this 25th day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED to Bergen County as set forth above.



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