



**State of New Jersey**

**DEPARTMENT OF HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**PO Box 712**

**TRENTON, NJ 08625-0712**

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**JENNIFER VELEZ**  
*Commissioner*

**VALERIE HARR**  
*Director*

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

M.H.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
<b>V.</b>	:	<b>FINAL AGENCY DECISION</b>
	:	
DIVISION OF MEDICAL ASSISTANCE	:	<b>OAL DKT. NO. 15923-2013</b>
	:	
AND HEALTH SERVICES &	:	<b>On REMAND HMA 8129-2013</b>
	:	
BURLINGTON COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 31, 2014, 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 receipt. The Initial Decision in this matter was received on June 16, 2014.

This matter on remand sought to clarify the circumstances surrounding Petitioner's gift of her home to her granddaughter, which created a transfer penalty of 20 months and nine days. The home, worth \$157,600, was transferred by deed recorded March 15, 2013. Petitioner claims that she intended to transfer the property when she and her husband signed the deed on August 17, 2006 rather than when it was filed some seven years later. Since the couple did not complete the Seller's Residency Certification until March 15, 2013, the deed was never filed. Petitioner's application for benefits was filed January 11, 2013.

On remand the ALJ upheld the penalty and found that the proofs presented by Petitioner and her family did not support a finding that she intended to transfer the property in 2006. Petitioner's husband's probated will, which was drawn up in March 2006, shows that he intended to transfer the property to his son and his two granddaughters.<sup>1</sup> No codicil was produced to renounce this testamentary intent. Moreover, Petitioner and her husband's failure to sign the Seller's Residency Certification either at the time they signed the deed in August 2006 or during the next seven years was found to be "a lack of intent to follow through with the transfer." ID at 9.

Reviewing the circumstances in this case, there is a lack of curiosity by Petitioner, her Power of Attorney, her husband, his executrix and the

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<sup>1</sup> The March 2006 probated will does not mention or acknowledge Petitioner as his wife. Indeed, he explicitly states he has "intentionally omitted" any relatives that are not named in the will. The transfer is even more unusual since owning the property as husband and wife with Petitioner he could not legally transfer the property in the manner contemplated by the will. P-1.

granddaughter over the course of seven years as to who held title to the home. I concur that Petitioner has not demonstrated that she intended to transfer the home to her granddaughter in 2006.

THEREFORE, it is on this ~~25<sup>th</sup>~~ day of July 2014

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.



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Valerie Harr, Director  
Division of Medical Assistance  
and Health Services