

Petitioner applied for benefits in June 2012. She gifted a total of \$59,994.45 to her son and daughter. Somerset County imposed a penalty for these transfers. Petitioner claims that since her son and daughter are considered disabled by the Social Security Administration (SSA), the transfers do not result in a penalty.

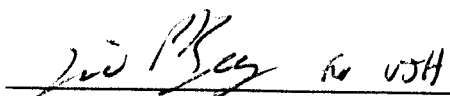
The parties sought to have the matter determined through summary decision and the ALJ determined that Petitioner was entitled to prevail as a matter of law. I concur that based on the information supplied Petitioner's son and daughter can be considered disabled. As both children have reached retirement age, they are no longer subject to the disability determinations by and payments from the SSA. However, Petitioner provided satisfactory evidence that the disability transcended the conversion to retirement benefits.

As such I am satisfied that Petitioner has now established that the disability determination of her adult children continued after their conversion to retirement benefits. The assets transferred to them are exempt from penalty. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 12th day of NOVEMBER 2013

ORDERED:

That the Initial Decision is hereby ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services