

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

M.K.

PETITIONER,

V.

**DIVISION OF MEDICAL ASSISTANCE:** 

AND HEALTH SERVICES &

SOMERSET COUNTY BOARD OF

SOCIAL SERVICES.

RESPONDENTS.

**ADMINISTRATIVE ACTION** 

**FINAL AGENCY DECISION** 

OAL DKT. NO. HMA 15716-2013

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence and the Initial Decision in this matter. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is November 21, 2013 in accordance with an Order of Extension.

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.

day of NOVEMBER 2013 THEREFORE, it is on this ORDERED:

That the Initial Decision is hereby ADOPTED.

Válerie Harr, Director

**Division of Medical Assistance** 

and Health Services