

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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JC-9572
Attorney for plaintiff Grace M. Vinci

Grace M. Vinci	:	Filed electronically
	:	
Plaintiff,	:	CIVIL ACTION No.
vs.	:	3:17-cv-7709 (PGS-LHG)
Elizabeth Connolly, Acting Commissioner,	:	(filed electronically)
New Jersey Department of	:	
Human Services; and Meghan Davey,	:	
Director, New Jersey Department of	:	
Human Services, Division of	:	
Medical Assistance	:	
and Health Services.	:	CONSENT ORDER
Defendants.	:	

THIS MATTER having come before the Court by way of Complaint filed by Grace M. Vinci (John W. Callinan, Esq., appearing); and Meghan Davey and Elizabeth Connolly (Angela Juneau-Bezer, Esq., DAG, appearing), having entered an appearance; and the parties having amicably resolved their differences agree to the following forms of relief; and the Court having reviewed the Complaint and heard the arguments of counsel, if any; and having determined that for good cause shown

WHEREAS the Grace M. Vinci Income Only Trust dated May 12, 2011 (Trust) is an irrevocable, self-settled trust governed by the provision of 42 U.S.C. § 1396p(d)(3)(B); and

WHEREAS the governing law provides that if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual, the portion of the corpus from which, or the income on the corpus from which, payment to the individual could be made shall be considered resources available to the individual, and payments from that portion of the corpus or income to or for the benefit of the individual, shall be considered income of the individual; and

WHEREAS defendant Meghan Davey (Director Davey) is the Director of the New Jersey Division of Medical Assistance Services (DMAHS); and

WHEREAS an administrative law judge issued an Initial Agency Decision dated January 27, 2017; and

WHEREAS Director Davey adopted the Initial Agency Decision by a Final Agency Decision dated April 25, 2017.

NOW, THEREFORE, in consideration of the parties agreeing to amicably resolve their differences--

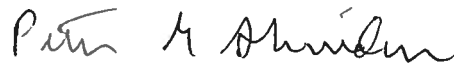
IT IS on this day of November 2017

ORDERED that the DMAHS adopted the denial of plaintiff Grace M. Vinci's application for Medicaid benefits in a Final Agency Decision dated April 25, 2017, because Director Davey found that the Trust permits the Trustee of the Trust to pay the rent of plaintiff Grace M. Vinci; and it is further

ORDERED that Director Davey concurred in the result of the Initial Agency Decision dated January 27, 2017, not the reasoning of the Initial Agency Decision; instead Director Davey's decision is premised on federal law as applied to the above-referenced finding regarding the payment of rent from the Trust; and it is further

ORDERED that this matter be and hereby is dismissed with prejudice and without costs to any party; and it is further

ORDERED that a copy of this Judgment shall be served on all interested parties and counsel of record within seven (7) days from the receipt thereof.



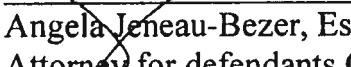
Peter G. Sheridan, U.S.D.J.

Consent to this Order is hereby given by John W. Callinan, Esq., on behalf of Grace M. Vinci, and Angela Juneau-Bezer, Esq., Deputy Attorney General, on behalf of Meghan Davey and Elizabeth Connolly.

Dated: November 16, 2017

/s/ John W. Callinan_____
John W. Callinan, Esq.
Attorney for Grace M. Vinci

Dated: Nov. 16, 2017



Angela Juneau-Bezer, Esq., DAG
Attorney for defendants Connolly
and Davey