


BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

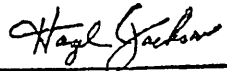
MARTHA CABE,
Petitioner,

v.

DHS, FAMILY & CHILDREN SERVICES,
Respondent.

:
: Docket No.
: OSAH-DFCS-CCSP-1614416-57-Kennedy
:
: Agency Reference No.: 81827441
:
:  Kennedy
: FILED
: OSAH
: OCT 27 2015


INITIAL DECISION
ORDER OF DISMISSAL


Hazel Jackson, Legal Assistant

During the hearing, Respondent agreed that it had incorrectly denied Petitioner's August 6, 2015, application based on a determination of ineligibility due to resources. Respondent acknowledged that Petitioner's Individual Retirement Account should have been counted as income, based on the monthly payments she receives, rather than as a resource. At this time, Petitioner has a pending application that, if approved, could provide benefits back to the protected date of the initial application, if Respondent is found to be eligible for that time period and with the understanding that a Transfer of Assets penalty may be imposed.

Inasmuch as Respondent has rescinded the action that initiated this hearing (i.e. the denial of the application based on a determination of being over-resources), there is no longer a contested matter within OSAH's jurisdiction. O.C.G.A. 50-13-2(1); OSAH Rule 616-1-2-.02(2). **IT IS ORDERED** that this matter is **DISMISSED**.

SO ORDERED, this 23rd day of October, 2015.


ANA KENNEDY
Administrative Law Judge

RE: MARTHA CABE, Petitioner

Docket No.: OSAH-DFCS-CCSP-1614416-57-Kennedy

MAIL TO:

MARTHA CABE
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ROME, GA 30165

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ELDER LAW, SPECIAL NEEDS LAW, ESTATE PLANNING
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DALTON, GA 30722

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

MARTHA CABE,	:	
Petitioner,	:	Docket No.: OSAH-DFCS-CCSP-1614416-57-Kennedy
	:	
v.	:	Agency Reference No.: 818274417
	:	
DHS, FAMILY & CHILDREN SERVICES,	:	
Respondent.	:	

NOTICE OF INITIAL DECISION

This is the Initial Decision of the Administrative Law Judge (Judge) in the case. This decision is reviewable by the Referring Agency. If a party disagrees with this decision, the party may file a motion for reconsideration, a motion for rehearing, or a motion to vacate or modify a default order with the OSAH Judge. A party may also seek agency review of this decision.

FILING A MOTION WITH THE JUDGE AT OSAH

The Motion must be filed in writing within ten (10) days of the entry, i.e., the issuance date, of this decision. **The filing of such a motion may or may not toll the time for filing a request for agency review.** See OSAH Rules 616-1-2-.28 and .30 in conjunction with O.C.G.A. § 49-4-153. Motions must include the case docket number, be served simultaneously upon all parties of record, either by personal delivery or first class mail, with proper postage affixed, and be filed with the OSAH clerk at:

Clerk
Office of State Administrative Hearings
Attn.: Hazel Jackson, hjackson@osah.ga.gov
225 Peachtree Street, NE, South Tower, Suite 400
Atlanta, Georgia 30303-1534

REQUEST FOR AGENCY REVIEW

A request for Agency Review must be filed within thirty (30) days after service of this Initial Decision. O.C.G.A. § 49-4-153(b)(1). A copy of the application for agency review must be simultaneously served upon all parties of record and filed with the OSAH clerk. The application for Agency Review should be filed with:

Department of Community Health
Legal Services Unit, Attn: Appeals Reviewer
2 Peachtree Street, 40th Floor
Atlanta, Georgia 30303

This Initial Decision will become the Final Decision of the agency if neither party makes a timely application for agency review. O.C.G.A. § 49-4-153(b)(1) and (c). When a decision becomes Final, an application for judicial review must be filed within thirty (30) days in the Superior Court of Fulton County or the county of residence of the appealing party. If the appealing party is a corporation, the action may be brought in the Superior Court of Fulton County or the superior court of the county where the party maintains its principal place of doing business in this state. O.C.G.A. § 49-4-153(c).



Hazel Jackson
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