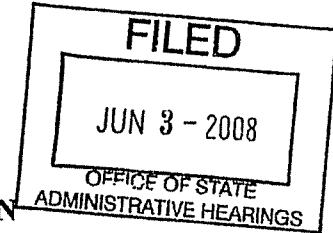


BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

[REDACTED])
Petitioner,)
vs.)
DEPARTMENT OF HUMAN RESOURCES)
DIVISION OF FAMILY AND CHILDREN)
SERVICES,)
Respondent.)

Docket No.:
OSAH-DFCS-NH-0826696-67-Langston
Agency Ref. No.: 222402114



INITIAL DECISION
ORDER FOR REMAND WITH DIRECTION

I. Introduction

The above matter came before the undersigned pursuant to a request for an administrative hearing by the Petitioner. Prior to the hearing Petitioner timely filed a Motion For Summary Determination. The Respondent has failed to respond to the motion. After due consideration, and for the reasons stated herein, Petitioner's Motion For Summary Determination is GRANTED. Respondent is directed to complete the processing of this case within twenty (20) business days from the date of this Decision.

II. Findings of Undisputed Facts

1.

Petitioner is an 86 year old resident of Laurel Baye Health Care of Lake Lanier.

2.

On or about May 22, 2007, Petitioner filed an application with Respondent, Gwinnett County Department of Family and Children Services, for Medical Assistance to help her pay the cost of the nursing home. (Petitioner's Exhibit 1).

3.

On June 18, 2007, Petitioner's daughter, [REDACTED], and her attorney, [REDACTED] appeared at Gwinnett County DFCS for a scheduled interview with [REDACTED]. [REDACTED] was not at work that day so the meeting was convened by [REDACTED]. [REDACTED] gave [REDACTED] a package of verification material which [REDACTED] had requested.

4.

On July 16, 2007, Respondent denied the application because Petitioner allegedly failed to provide Respondent with requested information. Apparently the information which [REDACTED] handed to [REDACTED] was not forwarded it to the correct caseworker. (Petitioner's Exhibit 2).

5.

On July 25, 2007, Petitioner requested a Fair Hearing on the denial. Respondent agreed to re-open the case and process the information [REDACTED] had delivered. (Petitioner's Exhibit 3).

6.

To date no final determination has been rendered. It has been over one year since the application was filed.

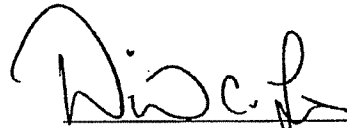
III. Conclusions Of Law

Respondent is directed to determine eligibility and provide notification of the disposition of an application within 45 calendar days beginning with the application date for aged and blind applicants. MEDICAID MANUAL § 2060-5. Respondent claims that it is waiting for the Department of Community Health to approve a Special Needs Trust and a Qualified Income Trust before it can approve the case. No exception to the standard of promptness is made for cases involving such trusts.

IV. Decision

Summary Determination in this case is GRANTED pursuant to OSAH Rule 15. This case is REMANDED TO THE AGENCY. Respondent is directed to complete the processing of this case within twenty (20) business days from the date of this Decision.

SO ORDERED this 3rd day of July, 2008.



DAVID C. LANGSTON
Administrative Law Judge

