

IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

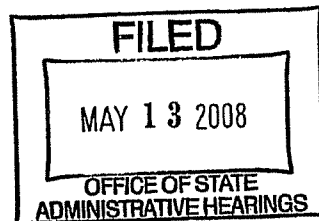
[REDACTED]
Petitioner,

Docket No.: OSAH-DFCS-NH-0825611-
71-Barnes

v.

Agency Reference No.: 249510318

DEPARTMENT OF HUMAN
RESOURCES, DIVISION OF FAMILY
AND CHILDREN SERVICES,
Respondent.



INITIAL DECISION

PARTIES: [REDACTED] on behalf of
Petitioner [REDACTED], Pro se.

[REDACTED] Haralson County Department of Family and
Children Services, Pro se, for Respondent.

BARNES, Judge.

I. INTRODUCTION

This matter comes before the Court from an appeal of [REDACTED]
("Petitioner") under O.C.G.A. § 49-4-13 from a determination by the Department
of Human Resources of the State of Georgia, acting through the Haralson
County Department of Family and Children Services ("Respondent"), that
Petitioner re-applied for Medicaid benefits in December 2007 instead of in
October 2007. Accordingly, Respondent concluded that Petitioner could receive
benefits three months prior to the application and thus was eligible for benefits
beginning in September 2007, but that Petitioner could not receive benefits for

the months of July and August 2007. Petitioner only seeks review of Respondent's denial of benefits for the months of July and August 2007. The Court has jurisdiction to hear this matter pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." For the reasons indicated below, the decision of Respondent is REVERSED.

II. FINDINGS OF FACT

1.

Petitioner, who resides in a nursing home and was approved for Medicaid benefits in 2003, received a cash settlement from a personal injury lawsuit in May 2007. The money received rendered Petitioner ineligible for Medicaid benefits for the months of May and June 2007. Testimony of [REDACTED]

2.

After spending down the settlement proceeds, Petitioner reapplied for Medicaid. Petitioner's daughter, [REDACTED], took the Medicaid application, which was signed by Petitioner and Petitioner's husband on October 22, 2007, to Respondent's office on October 30, 2007. [REDACTED] handed the application to one of Respondent's employees at the receptionist window. [REDACTED] did not see Respondent's employee date stamp the application and did not receive a date stamped copy of the application. Testimony of [REDACTED]

3.

If office policy had been followed, Respondent's employee would have date stamped the application and then forwarded it for processing to [REDACTED] [REDACTED] however, did not receive the October 2007 application. Although [REDACTED]

stated that the policy usually was followed, she was not the person in charge of accepting and date-stamping the applications and therefore could not verify whether the application was received at the receptionist window. Testimony of [REDACTED]

4.

Although the nursing home informed Petitioner's daughters that payment of Medicaid benefits was pending, payment was not received and, in December 2007, [REDACTED] took the same October 2007 Medicaid application back to Respondent's office. Testimony of [REDACTED]

5.

The application was forwarded to [REDACTED] and accepted as of December 2007. Based on Section 2053-1 of the Georgia Department of Human Resources, Economic Support Services Manual ("ESS Manual"), Volume II/MA, MT 27 (07/07), which allows retroactive payment of Medicaid benefits for a maximum of three months, Petitioner was awarded retroactive benefits for the months of September 2007, October 2007, and November 2007. [REDACTED] could not award benefits for the months of July and August 2007 as Respondent's records did not show receipt of an application in October 2007. Testimony of [REDACTED] Respondent's Ex. 1.

6.

This Court finds credible [REDACTED] testimony that she submitted the Medicaid application to Respondent's office on October 30, 2007.

III. CONCLUSIONS OF LAW

Retroactive Medicaid provides Medicaid coverage for eligible individuals for three months prior to the month of application. See ESS Manual, Volume II/MA, MT 27 (07/07), Section 2053-1. As Petitioner's application was submitted to Respondent on October 30, 2007, Petitioner is entitled to Medicaid coverage for the months of July 2007 and August 2007 in addition to the benefits already awarded to Petitioner by Respondent for the months of September 2007 and October 2007. Accordingly,

IV. DECISION

IT HEREBY IS ORDERED THAT Respondent's decision to deny Medicaid benefits to Petitioner for the months of July 2007 and August 2007 is REVERSED.

SO ORDERED THIS 12th day of May, 2008.


LA RONDA D. BARNES, Judge