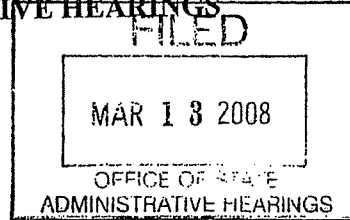


BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA



[Redacted]

Petitioner,

v.

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

Respondent.

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\*  
\* Docket No.:  
\* OSAH-DFCS-NH-0819694-97-Teate  
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\* Case No.: 227101619  
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**INITIAL DECISION**

**I. Introduction**

Petitioner requested a hearing in response to Respondent's denial of her application for Medicaid based on a determination that Petitioner's resources exceeded allowable limits. For reasons indicated, Respondent's action denying Petitioner's Medicaid application for the month indicated is AFFIRMED.

**II. Stipulations**

1. Petitioner is a disabled person in need of nursing home services who is the only member of her Budget Group (BG).
2. Petitioner owns a life insurance policy with a face value (FV) of \$25,000.00 and a cash surrender value (CSV) of \$2,354.00.
3. At the time of application in November 2007, Petitioner's checking account had a balance of \$116.46.
4. Respondent determined that the CSV is a resource in the amount of \$2,354.00 plus the checking account balance of \$116.46 equaled \$2,470.46, an amount that exceeded Petitioner's \$2,000.00 resource limit.

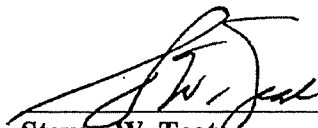
### III. Conclusions of Law

A life insurance policy is a resource if it has a CSV and the value of such a resource is the value of the CSV. *Economic Support Services Manual*, Section 2323, p. 2323-1. For non federal benefit rate classes of assistance, such as the ABD Nursing home class of assistance here sought, if the total face value (FV) of the life insurance policy exceeds \$10,000, then the total CSV of all policies, not used in the burial exclusion allowance, are counted as a resource. *Id.*, p. 2323-3. Further, only the FV, not the CSV, may be applied to the burial exclusion allowance of \$10,000.00. *Id.*, and Section 2312, p. 2121-2. The resource limit for Petitioner is \$2,000.00. *Id.*, Appendix 1, Section A1-1. Accordingly, as a resource, Petitioner's CSV is \$2,354.00, an amount over the resource limit; however, it can not be shifted to the burial exclusion fund since the FV exceeds the exclusion allowance by \$5,000.00.

### IV. Decision

Respondent's resource determination is AFFIRMED.

SO ORDERED, this 13<sup>th</sup> day of March 2008.

  
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Steven W. Teate  
Administrative Law Judge