



BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

[Redacted] Petitioner,

v.

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

Docket No.:  
OSAH-DFCS-NH-0918538-66-Woodard

ORDER MEMORIALIZING ORAL BENCH DECISION

At the hearing held on the above-referenced appeal on February 13, 2009, the Administrative Law Judge issued a Bench Decision as allowed by OSAH Published Rule 616-1-2-.27. The findings and conclusions are contained in the electronic tape recording prepared at the hearing. This tape recording is retained in the permanent file.

The following summarizes the oral decision issued at the hearing:

During a review of Petitioner's continuing eligibility for Medicaid, DFCS determined that the funds held in a checking account that was previously designated for burial were used to pay for Petitioner's care. Thus, the account was not longer sheltered as a burial fund, and the withdrawals were counted as income to Petitioner in the month of December 2008. This increased Petitioner's patient liability to \$5021.00 for the month of December only.

DFCS correctly calculated Petitioner's patient liability for the month of December 2008. Therefore, DFCS' actions in this matter are AFFIRMED, and Petitioner's appeal is DENIED. This does not affect Petitioner's eligibility for Medicaid under the Nursing Home class of assistance, or DFCS' calculation of her patient liability, for any month other than December 2008.

It is hereby ORDERED that the above decision is the Initial Decision of the Administrative Law Judge in this matter. If either party wishes to either appeal or request reconsideration of the Administrative Law Judge's Decision, they may do so by following the instructions contained on the Notice of Initial Decision attached to this Order.

SO ORDERED this 20 day of February 2009

M. Patrick Woodard, Jr.  
Administrative Law Judge

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