

THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

Petitioner, : DOCKET No.:
: OSAH-DFCS-QII-
: Walker-Russell
:
DHS, : Agency Reference No.:
DIVISION OF FAMILY AND :
CHILDREN SERVICES, :
Respondent. :



FILED
OSAH

SEP 24 2013

INITIAL DECISION

Appearances: For Petitioner: *Pro Se*
For Respondent: Anjanette Jones, Medicaid Eligibility Specialist
Jerry J. Jones
Jerry J. Jones, Legal Assistant

I. INTRODUCTION:

Petitioner, appeals the decision of the Georgia Department of Human Resources ("Respondent") that his income exceeds the limit for Adult Medicaid Assistance. The parties were provided an opportunity to present sworn testimony and documentary evidence at the hearing held on September 20, 2013. For the reasons stated herein, Respondent's decision is **AFFIRMED**.

II. FINDINGS OF FACT:

The Administrative Law Judge has carefully considered the entire available evidence, and based upon the preponderance of the relevant and credible evidence in this case, makes the following findings of fact:

1.

On June 12, 2013, Petitioner applied for Adult Medicaid Assistance. In order to determine whether Petitioner meets the income limit for Medicaid benefits, Respondent needed to verify Petitioner's earned and unearned income. Petitioner provided Anjanette Jones (Caseworker) with an award letter verifying that he receives monthly social security benefits in the amount of \$1,121.50. Petitioner also works part-time at Cracker Barrel and told the caseworker that he was not able to get the verification of his income from Cracker Barrel and would need her assistance to obtain the documentation. (*Testimony of Anjanette Jones; Testimony of Petitioner; Respondent's Exhibit R-3*).

2.

On or around June 12, 2013, the caseworker faxed a form to Petitioner's employer, Thomas and Thorngren, requesting (4) check stubs to verify Petitioner's earned income. However, on June 18, 2013,

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Thomas and Thorngren provided the caseworker with only two (2) check stubs, indicating that Petitioner earned \$220.03 on June 6, 2013, and \$202.79 on June 13, 2013. (*Testimony of Anjanette Jones; Respondent's Exhibit R-1*).

3.

On July 3, 2013, the caseworker denied Petitioner's application for Adult Medicaid Assistance because Petitioner did not provide the four (4) check stubs requested to verify his income. After receiving notice of the denial of his Medicaid application, Petitioner met with the caseworker's supervisor, who reopened Petitioner's case on July 24, 2013, to allow Petitioner to submit additional check stubs to verify his income. Petitioner provided two (2) additional check stubs indicating that Petitioner earned \$270.01 on June 20, 2013, and \$205.49 on June 27, 2013. Combined with the two (2) check stubs previously submitted by Thomas and Thorngren, Petitioner's income from Cracker Barrel for June 2013, was \$220.03, \$202.79, \$270.01, and \$205.49, for a total of \$898.32. (*Testimony of Anjanette Jones; Testimony of Petitioner; Respondent's Exhibits R-1 and R-2*).

4.

Respondent properly determined Petitioner's Total Gross Income using the following steps:

$\$898.32 \text{ divided by } 4 = \224.58

$\$224.58 \times 4.333 = \mathbf{\$973.10}$ (Petitioner's Total Gross monthly income). (*Testimony of Anjanette Jones*).

5.

Respondent properly determined Petitioner's Total Net income of \$1,565.58 using the ABD Medicaid budget sheet as follows:

Unearned Income	=	\$1,121.50 (Social Security income)
Enter A/R's Total GROSS Earned Income		\$973.10 (Cracker Barrel income)
Subtract \$20 General Deduction		- \$20
Subtotal	=	\$973.10
Subtract \$65 Earned Income Deduction	=	\$888.17
Subtract ½ of \$888.17	=	\$444.08 (Total Income)
Add unearned income and total income		$\$1,121.50 + \$444.08 = \mathbf{\$1,565.58}$ (Total Net Income)

(*Testimony of Anjanette Jones; Respondent's Exhibit R-4*).

6.

The Individual Income limits for Adult Medicaid cases are as follows:

FBR ISM PMV	\$256.67
FBR LA-B Income Limit	\$710.67
FBR LA-B Income Limit	\$473.33
QMB Income Limit	\$947.00
SLMB Income Limit	\$1,136.00
QI-1 Income Limit	\$1,279.00

Respondent reviewed each category of Medicaid and properly determined that Petitioner is not eligible for coverage under any class of Medicaid assistance because Petitioner's Total Net Income of \$1,565.58 exceeds the income limit for all Adult Medicaid categories. However, Petitioner may be eligible for Medicaid Spend down if he submits medical bills sufficient to meet his spend down amount of \$1,757.60. (\$2,094.60 income minus standard deduction of \$337 = \$1,757.60). (*Testimony of Anjanette Jones*).

III. CONCLUSIONS OF LAW:

1.

As the applicant, Petitioner has the burden of proof in this matter. OSAH Rule 07(1)(d). The standard of proof on all issues before OSAH is the preponderance of the evidence standard. OSAH Rule 21(4).

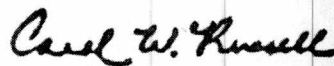
2.

In this matter Petitioner's Total Net Income of \$1,565.58 exceeds the income limit for all Adult Medicaid categories. Therefore, Respondent correctly determined that Petitioner is not eligible for Medicaid Assistance at this time. However, Petitioner may reapply for Medicaid Assistance if his circumstances change and he is in need of such support services.

IV. INITIAL DECISION:

For all of the foregoing reasons, Respondent's decision that Petitioner's income exceeds the limit for Adult Medicaid Assistance is **HEREBY AFFIRMED**.

SO ORDERED, September 24, 2013



CAROL WALKER-RUSSELL
Administrative Law Judge

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