

assist her. Petitioner also tried to reach her caseworker by telephone on numerous occasions, but was unable to reach her caseworker because her voicemail was full. Ms. Findley was not Respondent's assigned caseworker, but acknowledged that Respondent's workers had not been able to meet with clients due to a system wide change of procedure. *Testimony of Findley; Testimony of Petitioner.*

4.

As Ms. Findley was not Petitioner's assigned caseworker, she did not have any personal knowledge regarding this case, and had no information regarding Petitioner's alleged failure to cooperate with her review. After reviewing the file, Ms. Findley testified that she believed the termination was based on the fact that Petitioner's household income had increased, and thus she was no longer eligible for Q-track Medicaid. However, based on the evidence submitted at the hearing, Petitioner's income had not changed since June of 2013.¹ *Testimony of Findley; Testimony of Petitioner; Exhibits P-1; P-5.*

5.

During the hearing, the parties also noted that Petitioner had reapplied for Medicaid in November 2013. On November 13, 2013, Respondent sent Petitioner a Notice of Decision denying Petitioner's application stating that the reason for the denial was that Petitioner had no eligible people within her household, her income limits did not fall within the limits set for Medicaid, and that she was not entitled to Medicare. However, in this action Petitioner **only** appeals the October 2013 termination. *Testimony of Caseworker; Testimony of Petitioner; Exhibit R-1.*

6.

Petitioner requested a fair hearing. Her request for a fair hearing indicated that she had been trying to reach her case worker since the beginning of October, and that she did not refuse to cooperate with the renewal process. *Testimony of Petitioner.*

¹ Ms. Findley also offered that she believed that this case was not Q-track but concerned a spend down calculation in the Adult Medically Needy (AMN) class of assistance. AMN provides Medicaid coverage for aged, blind or disabled individuals whose income and/or resources exceed income and resource limits for other Medicaid classes of assistance. If an individual's net countable income is less than or equal to the Medically Needy Income Level an individual is automatically eligible for AMN Medicaid. An individual is "spend down" eligible when her income exceeds the Medically Needy Income Level, but this income is offset by incurred medical expenses. Eligibility for "spend down" is determined on a monthly basis. *Economic Support Services Manual (ESS Manual) § 2150-1.*

III. Conclusions of Law

1.

Because this matter involves a termination of Medicaid benefits, Respondent bears the burden of proof. OSAH Rule 616-1-2-.07(e). The standard of proof is a preponderance of the evidence. OSAH Rule 616-1-2-.21(4).

2.

Petitioner's termination notice indicated she had failed to cooperate during her review. Petitioner presented credible evidence that she had cooperated, and Respondent did not rebut her testimony. While Respondent offered a number of theories as to why it might have terminated Petitioner's benefits, the Caseworker had no personal knowledge regarding the circumstances of the case. Moreover, Respondent must give Petitioner adequate notice regarding the reason for denial. *ESS Manual § 2060-6*. Regarding her alleged failure to cooperate, Petitioner attempted to contact her caseworker in person and by telephone in order to understand the reason for her termination. Further, she came to the hearing seeking to learn the reason for her termination. After listening to the testimony and reviewing the offered exhibits, it was not possible for the undersigned to determine why Respondent terminated Petitioner's benefits and thus whether or not Respondent's action was proper. Accordingly, Respondent could not carry its burden of proof.

IV. Decision

As Respondent did not meet its burden of proof in this case, Respondent's determination is **REVERSED**.

SO ORDERED this 20th day of February, 2014.

RONIT WALKER
Administrative Law Judge