

**OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

F [REDACTED] P [REDACTED], Petitioner,	:	
	:	Docket No.: [REDACTED]
v.	:	[REDACTED]-OSAH-DFCS-M-OTHER-85-
	:	Walker
	:	
DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY AND CHILDREN SERVICES,	:	Agency Reference No.: [REDACTED]
Respondent.	:	

I. INTRODUCTION

The Petitioner, F [REDACTED] P [REDACTED], requested a hearing after the Respondent, Department of Human Services, Division of Family and Children Services, (also “Department”) denied her application for Medicaid. The hearing in this matter was conducted on January 22, 2024, before the undersigned administrative law judge. The Petitioner represented herself and Ms. King (“Caseworker”) appeared for the Respondent. For the reasons indicated, the Respondent’s action is **REMANDED**.

II. FINDINGS OF FACT

1.

On December 3, 2023, the Petitioner applied for Georgia’s Pathways to Coverage (“Pathways”). Pathways provides Medicaid coverage to eligible Georgians who do not qualify for any other Medicaid class of assistance. (Testimony of Petitioner; Testimony of Caseworker.)

2.

To be eligible for Pathways, applicants must demonstrate that they are currently engaged in at least eighty hours per month of qualifying activities. Attending an institute of higher education is a qualifying activity. In determining how many qualifying activity hours a

university student earns, the Department bases its calculation solely upon the credit hours awarded during an academic term. (Testimony of Caseworker.)

3.

The Petitioner is pursuing a master's degree in social work at ██████ University. She is enrolled in a "fast-track" program that requires three to four hours of research a night. Due to the program's intensity, ██████ University mandates that a student may not work full-time while enrolled. (Testimony of Petitioner.)

4.

Both parties agree that ██████ University considers the Petitioner to be a full-time graduate student. Based on her courseload per academic term, the Petitioner earns ten credit hours. (Testimony of Petitioner; Testimony of Caseworker.)

5.

Prior to implementing the Pathways program, the Department provided its employees with training. According to the materials distributed at the training, ten credit hours convert into forty hours per month of qualifying activities. Because the Petitioner did not meet the eighty hour per month requirement, the Department denied her application for Pathways. (Testimony of Caseworker.)

6.

The Petitioner argues that her enrollment as a full-time student should meet the Department's requirements. Not only does she attend classes, but she must also prepare for each class and complete class requirements, including performing a substantial amount of research. The Department's strict conversion method, based only on the number of credit hours awarded, does not consider that universities have not adopted a universal method to calculate credit hours.

This variability could result in students receiving differing credit hours for substantially the same graduate programs and/or coursework. (Testimony of Petitioner.)

III. CONCLUSIONS OF LAW

1.

This matter concerns the Department's denial of the Petitioner's application for Medicaid. Therefore, the Petitioner bears the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07. The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21.

2.

The Medicaid program was created in 1965 "for the purpose of providing federal financial assistance to States that choose to reimburse certain costs of medical treatment for needy persons." Miller v. Wladyslaw Estate, 547 F.3d 273, 277 (5th Cir. 2008) (quoting Harris v. McRae, 448 U.S. 397, 201 (1980)); see Social Security Act, 42 U.S.C § 1396 et seq. ("the Act"). If a state elects to participate in the Medicaid program, it must obtain approval from the Secretary of the Department of Health and Human Services ("the Secretary") of a plan specifying the programs and services it will offer using Medicaid funds. See 42 U.S.C. § 1396a; see also Pharm. Research & Mfrs. of Am. v. Walsh, 538 U.S. 644, 650 (2003). The State of Georgia has assigned the administration of the Medicaid plan to the Department of Community Health, which has delegated many administrative functions, including those involved in this case, to the Department.

3.

Generally, Medicaid provides medical assistance for the elderly, the blind, the disabled, and to families with dependent children. Nat'l Fed'n of Indep. Bus. v. Sebelius, 567 U.S. 519,

583 (2012). However, the Secretary may grant a state a “waiver” to allow states to adopt an “experimental, pilot or demonstration project,” that promotes the objectives of the Medicaid Act. See 42 U.S.C. § 1315(a).

4.

The Department publishes guidelines for Medicaid eligibility via the Georgia Department of Human Services Medicaid Manual (“Medicaid Manual”). Medicaid benefits are provided through a variety of classes of assistance, each with its own specific criteria. Medicaid Manual §§ 2101-2198. An individual is eligible for Medicaid if she meets a class of assistance’s eligibility criteria. Georgia’s Pathways is a waiver program designed to provide benefits to individuals ineligible for any other Medicaid class of assistance. Medicaid Manual § 2195-1.¹

5.

The Medicaid Manual provides that applicants for Pathways must demonstrate at the time of application that they are currently engaged in at least eighty hours per month of a qualifying activity or combination of activities, including:

- Unsubsidized employment, including self-employment
- Subsidized private sector employment
- Subsidized public sector employment
- On-the-job training
- Job readiness
- Community service
- Vocational educational training
- Enrollment in an institution of higher education
- Enrollment and active engagement in the Georgia Vocational Rehabilitation program

Medicaid Manual §§ 2256, 2195.

¹ <https://gadhs.gitlab.io/pamms/dfcs/medicaid/2195/> (last visited February 5, 2023).

6.

According to the Medicaid Manual “[a] full-time academic workload, as determined by the Department of Community Health (DCH), will meet the requirements for 80 hours of qualifying activities in the month.” Medicaid Manual § 2256.3. In this case, the Caseworker agreed that ██████ University had deemed the Petitioner to be a full-time student. However, the Caseworker maintained that, despite her full-time status, the Department’s credit hour conversion only provided the Petitioner with forty hours of qualifying activities per month.

7.

The Medicaid Manual specifies that “[t]he student’s workload may include any combination of courses, work, research, or special studies that the institution considers contributing to an individual’s full-time status.” Medicaid Manual § 2256.3. Although the Caseworker testified that the Department’s training materials include a formula using credit hours to calculate qualifying hours, these training materials are not included as part of the Medicaid Manual. To the contrary, the Medicaid Manual directs the Department to take into account the Petitioner’s entire workload, not just her credit hours. Id.; cf. 34 C.F.R. § 668.2(b) (Under Institutional Eligibility Under the Higher Education Act of 1965 a graduate student’s full-time academic workload is “determined by the institution” and “may include any combination of courses, work, research, or special studies that the institution considers sufficient to classify the student as a full-time student.”). During the administrative hearing the Petitioner testified that she spends three to four hours a day on research, and that students enrolled in the fast-track program may not work full-time.

IV. Decision

The Medicaid Manual provides that a full-time academic workload meets Pathways's qualifying activity hours requirement. The Petitioner demonstrated, and the Department agreed, that she is considered a full-time student at [REDACTED] University. Nonetheless, the Department denied her application because it determined she did not carry sufficient credit hours. Although the Department's training sessions may have provided the Caseworker with a formula to convert credit hours into qualifying activities hours, the published Medicaid Manual mandates that the Department also consider courses, work, research or special studies that the institution considers contributing to an individual's full-time status. For the reasons stated, the Petitioner's application is **REMANDED** to the Department for additional consideration.

SO ORDERED this 15 day of February 2024.



Ronit Walker
Administrative Law Judge

