

**Ohio Department of Job and Family Services  
Bureau of State Hearings**

State Hearing Decision

County: Franklin

<u>Appeal Number</u>	<u>Program</u>	<u>Disposition</u>	<u>Compliance</u>
3148728	MED-E	SUS	Required

Request Date: 11/23/2016

Hearing Date: 12/21/2016

Mail Date: 12/30/2016

Hearing Officer: Nicholas Jewett

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**This information is about your appeal.  
Please read all pages.**

This is an important document regarding your appeal. This document may require you to take an action such as sign, date, and/or complete and return it. You can reapply at any time if your benefits were denied or stopped.

If you need this document translated into your preferred language, contact the ODJFS Bureau of State Hearings at 1-866-635-3748.

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## **Issue**

Appeal Number: 3148728, Medicaid Eligibility Issues, Denial

Was the Franklin County Department of Job and Family Services (FCDJFS) correct to deny the Appellant's Medicaid application with a notice date of 11/4/16?

## **Procedural Matters**

The Appellant's authorized representatives (ARs) were present at the hearing. FCDJFS was represented by Mr. Sturgill. All parties were sworn in.

## **Findings of Fact**

1. The Medicaid assistance group (AG) size is 1.
2. On 11/4/16 FCDJFS denied the Appellant's Medicaid application dated 8/29/16 for allegedly being over the resource limit.
3. FCDJFS calculated the Appellant's available resources to be approximately \$100,000 based on the value of three parcels of real estate in the Appellant's name.
4. The three parcels of real estate have been on the market since June, 2016. The three parcels are listed at the approximate assessed value by the state auditor. The properties have not sold. As a result, the asking price of the properties were reduced. The three parcels remain on the market.

## **Conclusion of Policy**

The Ohio Administrative Code 5160:1-3-05.1 states that "resources" mean cash, other liquid asset, personal property, and real property an individual and/or the individual's spouse has an ownership interest in, has the legal ability to access in order to convert to cash (if not already cash), and is not legally prohibited from using for support and maintenance. Here, the three parcels of land owned by the Appellant are not an available resource. The Appellant has attempted to liquidate the properties since June, 2016 without success. This illustrates that the Appellant did not and does not have the ability to readily convert the properties into cash. Even with the properties being listed at or below the auditor's value and even with the reduction in price, the Appellant has still not been able to sell the properties. Without the sale of the properties, the Appellant has no access to any cash resources associated with the properties. Consequently, the properties do not constitute an available resource. Therefore, FCDJFS has not proven by the preponderance of the evidence that the Medicaid denial was correct.

## **Hearing Officer's Recommendation**

Appeal Number: 3148728

Based on the record and policy before me, I recommend that appeal 3148728 be

Sustained with Compliance for Franklin CDJFS.

1. Rescind the 11/4/16 Medicaid denial.
2. Recognize that the 3 parcels of real estate are not an available resource.
3. Redetermine Medicaid eligibility back to the 8/29/16 date of application.
4. Issue notice to the Appellant and ARs with state hearing rights attached.

**Final Administrative Decision and Order**

Regarding appeal number 3148728, I find the Hearing Officer's decision to be supported by the evidence and regulations. The recommendations above are adopted, and the appeal is Sustained with Compliance for Franklin CDJFS.

Compliance is required within fifteen days, but in no event later than ninety calendar days from the date of the hearing request. Compliance must be promptly reported to the Bureau of State Hearings via the "State Hearing Compliance," JFS 04068. Documentation of the compliance action must be attached to the form. Ohio Admin. Code § 5101:6-7-03 (B).

A Ruben Lopez  
Hearing Authority  
12/30/2016

### Notice to Appellant

This is the official decision of your state hearing. It informs you of the decision and order in your case. Papers and materials introduced at the hearing, known as "exhibits," make up the hearing record. The hearing record is maintained by the Ohio Department of Job and Family Services. If you would like a copy of the official record, please call the ODJFS hotline at 1-866-635-3748.

**Important Notice:** If you disagree with this decision, you, or your authorized representative, may request an administrative appeal about this notice. Contact us using one of the following methods:

Email - [bsh@jfs.ohio.gov](mailto:bsh@jfs.ohio.gov). In the subject, put "Administrative Appeal Request".

Fax - (614) 728-9574

Mail - ODJFS Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825.

Your administrative appeal request should include a copy of this notice and the reason you think it is wrong. Your written request must be received by the Bureau of State Hearings within 15 calendar days from the mailing date of this notice. (If the 15th day falls on a weekend or holiday, this deadline is extended to the next work day.)

Unless you request an administrative appeal, this notice is a final and binding decision about your state hearing request. Any fair hearing benefits you receive will end. This may also mean the local agency can go ahead with the action it was planning to take. Additionally, you may have to pay back the continuing benefits you received as part of the state hearing process.

You can ask your local Legal Aid program for free help with your case. Contact your local Legal Aid office by phoning 1-866-LAW-OHIO (1-866-529-6446) or by searching the Legal Aid directory at <http://www.ohiolegalservices.org/programs> on the internet.

## Appendix

### **Appellant Exhibits**

1. Request-SH (3 pages)
2. Exhibit - Appellant (13 pages)

### **Agency Exhibits**

- A. Appeal Summary (26 pages)