

IN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS

ADMINISTRATIVE APPEAL SECTION

IN RE APPEAL OF:

DOCKET NO. 2006-AA-0113
APPEAL NO(S). 1263262 / MED
AG NO. HEARING REQUEST DATE: 12/19/2005
HEARING DECISION DATE: 01/17/2006 / DSM
APPEAL REQUEST DATE: 02/03/2006
AGENCY: Wayne CDJFS

Administrative Appeal Decision

This appeal concerns a possible agency delay in implementing the process of Medicaid paying for the Appellant's Medicare premiums as a result of the agency determining her eligible for QMB Medicaid on November 1, 2005. The agency followed up that approval with a manual request to the ODJFS Benefits Coordination and Recovery section via a JFS 7102 on January 6, 2006. It is clear under rule that the Appellant is entitled to relief from ODJFS, but the hearing officer overruled the appeal because the agency had done everything it could do to implement the case change.¹

In her request for administrative appeal the Appellant indicates the need for immediate relief from the \$88 Medicare premiums because of her low income and disability. We agree.

DECISION

Accordingly we must ORDER that the hearing decision be REVERSED and COMPLIANCE issue to the ODJFS Benefits Coordination and Recovery section to immediately implement Medicare buy-in for the Appellant, effective November 1, 2005.

ODJFS is directed to send the Appellant and the agency written notice of the action taken as a result of this decision via an ODJFS 4074, 4065, 7334, 7401, 4701 or other appropriate state form. ODJFS is to attach a copy of this notice to the ODJFS 4068 State Hearing Compliance form. The Appellant retains all state hearing rights regarding any future agency determination.



Robert J. Frankart
Administrative Appeal Officer

CONCUR:



Margaret Adams
Administrative Appeal Officer



Chris Barley, Attorney-at-Law
Chief Administrative Hearing Officer

DATE OF ISSUANCE February 14, 2006

¹ OAC 5101:1-39-53.5

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

An Appellant who disagrees with this decision may appeal it to the court of common pleas pursuant to sections 119.12 and 5101.35(E) of the Revised Code. The Appellant shall mail a notice of appeal to the department at the following address:

**Ohio Department of Job & Family Services
Office of Legal Services
30 E. Broad Street, 31st Floor
Columbus, OH 43215-3414**

The Appellant must also file the notice of appeal with the court of common pleas in the county in which the Appellant resides (Franklin County, if the Appellant does not reside in Ohio). Please note: Both the mailing to the department and the filing with the court must occur within thirty (30) calendar days of the date of issuance of this decision.

If you have questions about appealing to a court, contact your attorney, local legal aid society, or bar association. If you want information about free legal services, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888.

cc: Director, Wayne County Department of Job and Family Services
Hearings Supervisor, DSM, Bureau of State Hearings
ODJFS Benefits Coordination and Recovery Section
Appellant