

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

ADMINISTRATIVE APPEAL SECTION

IN RE APPEAL OF:

DOCKET NO. 2006-AA-0362
APPEAL NO(S). 1275400 / MED
AG NO. HEARING REQUEST DATE: 03/06/2006
HEARING DECISION DATE: 03/30/2006 / **PJS**
APPEAL REQUEST DATE: 04/07/2006
AGENCY: **Hamilton CDJFS**

Administrative Appeal Decision

The Appellant is appealing a February, 2006, agency decision to impose a \$446 monthly spend-down liability on her Medicaid for the Disabled benefits, due to the agency's discovery of additional household income of \$1154 per month. The hearing officer overruled the appeal, finding that the agency correctly computed the spend-down budget in accordance with program rules.¹ The Appellant filed her request for administrative appeal without comment so we have reviewed the hearing decision and have determined that it correctly applied program rules.

The Appellant should review with the agency which expenses satisfy the spend-down requirement, since it focuses more on incurring medical expenses rather than necessarily paying them each month.

DECISION

Accordingly we must ORDER that the hearing decision be AFFIRMED.



Robert J. Frankart
Administrative Appeal Officer

CONCUR:



Margaret Adams
Administrative Appeal Officer



Robert Mullinax, Attorney-at-Law
Chief Legal Counsel

DATE OF ISSUANCE April 13, 2006

¹ OAC 5101:1-39-10

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, Hamilton County Department of Job and Family Services
Hearings Supervisor, PJS, Bureau of State Hearings
Mary Mynatt
Appellant