

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES  
BUREAU OF STATE HEARINGS**

**ADMINISTRATIVE APPEAL SECTION**

In Re Appeal of:

Docket Number:	AA-3690	
Appeal No(s)	1469255	MED
AG No.	5014326994	
Hearing Request Date:	02/19/2009	
Hearing Decision Date:	03/16/2009 / WLW	
Appeal Request Date:	03/30/2009	
Agency:	MAHONING CDJFS	

**Administrative Appeal Decision**

The appellant is appealing the agency's November, 2008, denial of his June application for Medicaid for the Disabled, based on the opinion of the ODJFS Disability Determination Area that his medical condition does not meet the program definition of disability. The hearing officer overruled the appeal, finding that "It is clear that the issue has been previously decided through the state hearing process."<sup>1</sup> A state hearing decision issued January 30, 2009, did address this issue and overruled the appeal, and the appellant did not separately seek an administrative appeal of that decision, nor was the present hearing request received in time to be itself considered an administrative appeal request from the previous hearing decision.<sup>2</sup>

In his request for administrative appeal the appellant indicates that he needs medical coverage to prevent the need for emergency hospitalization. But in order to qualify for Medicaid coverage at this point, the appellant will need to again apply, especially if he thinks that his medical condition has worsened since his last application.

**DECISION**

We therefore ORDER that the hearing decision is AFFIRMED.

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<sup>1</sup> OAC 5101:6-5-03(C)(6)

<sup>2</sup> OAC 5101:6-8-01(C)(4) requires an administrative appeal request to be received within 15 calendar days from the date the hearing decision was issued.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Legal Counsel

Date of Issuance: April 15, 2009

**Notice to Appellant**

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 the original notice of appeal to the department at the following address:

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

The Appellant must also file a copy of 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, MAHONING CDJFS

RAMOSD, WILSON, Bureau of State Hearings