

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES  
OFFICE OF APPEAL HEARINGS

[REDACTED]

APPEAL NO. 10F-07368

PETITIONER,

Vs.

CASE NO. 1244802506

FLORIDA DEPT OF CHILDREN AND FAMILIES  
CIRCUIT: 06 Pinellas  
UNIT: ICP

FILED  
Jan 10, 2011  
OFFICE OF APPEAL HEARINGS  
DEPT. OF CHILDREN AND FAMILIES

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER**

Pursuant to notice, the undersigned convened a telephonic administrative hearing in the above-referenced matter on December 3, 2010 at 11:16 a.m.

**APPEARANCES**

For the Petitioner: [REDACTED] regional director of case management for [REDACTED] Rehabilitation and Health Center.

For the Respondent: Suzi Jackson, ACCESS supervisor for the Institutional Care Program (ICP) unit.

**STATEMENT OF ISSUE**

The petitioner is appealing the respondent's action to deny her ICP and Medicaid Program benefits.

### **PRELIMINARY STATEMENT**

By notice dated October 19, 2010, the respondent informed the petitioner her ICP and Medicaid Program application was denied. On October 20, 2010, the petitioner timely requested a hearing.

The petitioner's representative and the respondent's representative appeared by phone.

The record was left open for the respondent to submit additional evidence. On December 3, 2010, the petitioner submitted additional evidence which was entered into record as Petitioner Exhibit 1. On December 8, 2010, the respondent submitted additional evidence which was entered into record as Respondent Exhibit 1. The record was closed on December 8, 2010.

### **FINDINGS OF FACT**

1. The petitioner was applied for ICP and Medicaid Program benefits for herself. On October 19, 2010, the respondent denied the application. The reason for the denial was that the petitioner did not meet the disability requirement.

2. At the hearing, the petitioner representative asserted that since the time the petitioner was denied benefits by the respondent, Social Security approved disability for the petitioner.

3. The respondent asserted as follows. The petitioner was found disabled by Social Security. As the petitioner has been determined disabled by Social Security, she would be eligible for ICP and Medicaid Program benefits.

4. On December 3, 2010, the petitioner provided verification that the petitioner was determined disabled by Social Security. On December 8, 2010, the respondent

provided verification that the petitioner's ICP and Medicaid Program benefits were authorized effective July 2010.

### **CONCLUSIONS OF LAW**

5. The Department of Children and Families, Office of Appeal Hearings has jurisdiction over the subject matter of this proceeding and the parties, pursuant to § 409.285, Fla. Stat. This order is the final administrative decision of the Department of Children and Families under Fla. Stat. § 409.285.

6. The Florida Administrative Code, Section 65A-1.710 et seq., sets forth the rules of eligibility for Elderly and Disabled Individuals Who Have Income of Less Than the Federal Poverty Level. For an individual less than 65 years of age to receive benefits, he or she must meet the disability criteria of Title XVI of the Social Security Act appearing in 20 C.F.R. § 416.905.

7. The respondent determined that the petitioner's ICP and Medicaid Program benefits would be authorized. The respondent provided verification that the petitioner's ICP and Medicaid Program benefits were authorized effective July 2010. Therefore, there is no further issue to be determined by the hearing officer at this time. The appeal is dismissed.

### **DECISION**

Based upon the foregoing Findings of Fact and Conclusion of Law, the appeal is dismissed.

### **NOTICE OF RIGHT TO APPEAL**

This decision is final and binding on the part of the department. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner must file one copy of a "Notice of Appeal" with the Agency

FINAL ORDER (Cont.)

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Clerk, Office of Legal Services, Bldg. 2, Rm. 204, 1317 Winewood Blvd., Tallahassee, FL 32399-0700. The petitioner must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The department has no funds to assist in this review, and any financial obligations incurred will be the petitioner's responsibility.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2011,

in Tallahassee, Florida.

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Copies Furnished To: [REDACTED] Petitioner  
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