

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

**FILED**

**MAR 31 2015**

OFFICE OF APPEAL HEARINGS

APPEAL NO. 15F-00088 DEPT OF CHILDREN & FAMILIES

[REDACTED]  
PETITIONER,

Vs.

CASE NO. [REDACTED]

FLORIDA DEPT OF  
CHILDREN AND FAMILIES  
CIRCUIT: 18 Brevard  
UNIT: 55207

RESPONDENT.

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**FINAL ORDER**

Pursuant to notice, the undersigned telephonically convened an administrative hearing in the above-referenced matter at 9:15 a.m. on February 23, 2015.

**APPEARANCES**

For the Petitioner: [REDACTED] petitioner's mother

For the Respondent: Jill Dike, ACCESS supervisor

**STATEMENT OF ISSUE**

At issue is respondent's action to deny petitioner Medicaid benefits.

**PRELIMINARY STATEMENT**

By notice dated December 11, 2014 respondent notified petitioner his application dated November 12, 2014 was denied. Petitioner timely requested a hearing to challenge the denial.

Petitioner was present at the hearing but he was represented by his mother, [REDACTED]

[REDACTED] Petitioner submitted one exhibit into evidence, entered as Petitioner

Exhibit "1". Respondent submitted four exhibits into evidence, entered as Respondent Exhibits "1" through "4". The record was closed on February 23, 2015.

#### **FINDINGS OF FACT**

1. Petitioner submitted a web application on November 12, 2014 for Food Assistance, Cash and Medicaid. The application does not indicate petitioner is disabled and lists household members as petitioner and his mother. The only issue is Medicaid for petitioner.
2. Respondent interviewed petitioner on November 20, 2014 for the November 12, 2014 application. Petitioner did not mention he is disabled or that he was applying for Medicaid disability.
3. To be eligible for Medicaid, an applicant must have children under age 18, be considered disabled, aged (65 or older) or blind by the Social Security Administration (SSA). Petitioner does not have children, is not aged or blind and did not report being disabled.
4. Petitioner agreed he did not indicate he was disabled on his November 12, 2014 application or at his November 20, 2014 interview. Although, petitioner believes his disabilities include: degenerative disk disease, kidney infection, high blood pressure and dizziness. Petitioner agreed to apply for disability through the SSA.
5. On December 11, 2014 respondent mailed petitioner a Notice of Case Action notifying his November 12, 2014 application was denied.

#### **CONCLUSIONS OF LAW**

6. The Department of Children and Families, Office of Appeal Hearings has jurisdiction over the subject matter of this proceeding and the parties, pursuant to Fla. Stat.

§ 409.285. This order is the final administrative decision of the Department of Children and Families under Fla. Stat. § 409.285.

7. This proceeding is a de novo proceeding pursuant to Fla. Admin. Code R. 65-2.056.

8. In accordance with Fla. Admin. Code R. 65-2.060 (1), the burden of proof was assigned to the petitioner.

9. Medicaid eligibility is based on federal regulations. There are two categories of Medicaid that the Department determines eligibility for (1) Family Related Medicaid for parents and children, and pregnant women, and (2) Adult Related (referred to SSI-Related Medicaid) for disabled adults and adults 65 or older.

10. Florida Administrative Code R. 65A-1.703 Family-Related Medicaid Coverage

Groups states:

(1) The department provides mandatory Medicaid coverage for individuals, families and children described in Section 409.903, F.S., Section 1931 of the Social Security Act and other relevant provisions of Title XIX of the Social Security Act. The optional family-related Title XIX and Title XXI coverage groups served by the department are stated in each subsection of this rule...

11. Florida Administrative Code R. 65A-1.711 SSI-Related Medicaid Non Financial

Eligibility Criteria states:

(1) For MEDS-AD Demonstration Waiver, the individual must be age 65 or older, or disabled as defined in 20 C.F.R. §416.905...

12. Title 20 Code of Federal Regulations § 416.903 address disability and blindness

determinations and in part states:

(b) Social Security Administration. The Social Security Administration will make disability and blindness determinations...

13. In accordance with the above authorities, to be eligible for Medicaid an applicant must have children, be age 65 or older, disabled or blind. Petitioner has no children, is not age 65 or older and has not been determined disabled or blind by the SSA.

Therefore, petitioner is not eligible for Medicaid.

14. In careful review of the cited authorities, and evidence, the undersigned concludes the respondent followed rule in denying petitioner Medicaid.

**DECISION**


Based upon the foregoing Findings of Fact and Conclusions of Law, the appeal is denied and respondent's action affirmed.

**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 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 petitioner is responsible for any financial obligations incurred as the Department has no funds to assist in this review.

DONE and ORDERED this 31<sup>st</sup> day of March, 2015,

in Tallahassee, Florida.

  
Priscilla Peterson, Hearing Officer  
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Copies Furnished To: [REDACTED] Petitioner  
Office of Economic Self Sufficiency