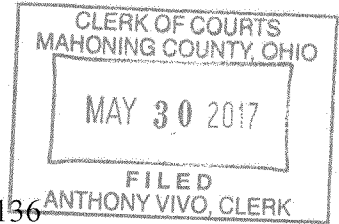


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IN THE COURT OF COMMON PLEAS  
 MAHONING COUNTY, OHIO

GARY J. SCHAEFER, EXEC. OF THE )  
 ESTATE OF GERALDINE SCHAEFER )  
 )  
 PLAINTIFF )  
 )  
 Vs. )  
 )  
 OHIO DEPT OF JOBS AND FAMILY )  
 SERVICES )  
 )  
 DEFENDANT )

CASE NO. 2016 CV 136  
 JUDGE R. SCOTT KRICHBAUM

**JUDGMENT ENTRY**

This matter was considered on the Magistrate's Decision dated April 6, 2017. After review pursuant to Civ. R. 53(D)(4), the Court finds that no written objections have been filed and that no error of law or other defect appears on the face of the Magistrate's Decision. Therefore, the Magistrate's Decision is hereby adopted and made the action, judgment and order of this Court.

Therefore, Judgment is hereby entered as follows:

This matter is before the Magistrate pursuant to a timely appeal from a decision issued by the Appellee, Ohio Department of Job and Family Services pursuant to R.C. 5101.35 and R.C. 119.12 which affirmed the County agency's determination of the start dates for the Decedent's Medicaid restricted coverage period, namely, February, 2015. The Magistrate has considered the Appellant's Merit Brief, Brief of Appellee, Ohio Department of Job and Family Services, Appellant's Reply Brief, the entire record on Appeal including the supplementation subsequently submitted and the arguments of counsel.

The facts in this case are not in dispute. The Decedent, Geraldine Schaefer improperly transferred \$ 136,991.23 to her son to enable her to apply and qualify for Medicaid. The



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Decedent applied for Medicaid coverage, while a nursing-home resident, in July, 2014. Initially, the Mahoning County Department of Job and Family Services determined that, in light of this improper transfer of assets, a 22 ½ month period of restricted coverage would commence beginning July, 2014. After July, 2014, the Decedent's son made payments back to her each month from August, 2014 to February, 2015. The repaid money was then used each month to pay the nursing facility for the Decedent's care. The Mahoning County agency determined that, in light of the reconveyances, the restricted coverage period should be shortened to 15 ½ months and should begin in February, 2015, not July, 2014.

The Decedent requested a state hearing pursuant to R.C. 5101.35(B). She agreed with the shortened restricted coverage period but argued that it should retain the original July, 2014 start date. The State Hearing Decision affirmed the County's decision, finding that the latest reconveyance was made to the Decedent in February, 2015 and that, therefore, her restricted coverage period could not begin before then. The Decedent requested an Administrative Appeal pursuant to R.C. 5101.35(C) and the Administrative Appeal Decision affirmed resulting in this timely appeal.

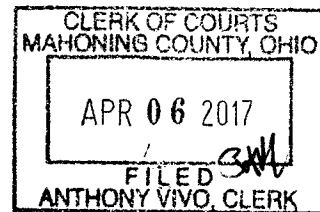
The Magistrate finds that the Administrative Appeal Decision issued by Appellee, Ohio Department of Job and Family Services is supported by reliable, probative and substantial evidence and is in accordance with law. Therefore, the Magistrate recommends that the Administrative Appeal Decision mailed December 16, 2015 and which is the object of this appeal be affirmed.

There being no just cause for delay, Judgment is entered as above specified.

5/24/17  
DATE

  
JUDGE R. SCOTT KRICHBAUM

4-5-17



IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO

Gary J. Schaefer, Executor of  
The Estate of Geraldine Schaefer  
APPELLANT

CASE NO. 2016 CV 136

MAGISTRATE TIMOTHY G. WELSH

VS.

Ohio Department of Jobs and  
Family Services  
APPELLEE

MAGISTRATE'S DECISION

This matter is before the Magistrate pursuant to a timely appeal from a decision issued by the Appellee, Ohio Department of Job and Family Services pursuant to R.C. 5101.35 and R.C. 119.12 which affirmed the County agency's determination of the start dates for the Decedent's Medicaid restricted coverage period, namely, February, 2015. The Magistrate has considered the Appellant's Merit Brief, Brief of Appellee, Ohio Department of Job and Family Services, Appellant's Reply Brief, the entire record on Appeal including the supplementation subsequently submitted and the arguments of counsel.

The facts in this case are not in dispute. The Decedent, Geraldine Schaefer improperly transferred \$ 136,991.23 to her son to enable her to apply and qualify for Medicaid. The Decedent applied for Medicaid coverage, while a nursing-home resident, in July, 2014. Initially, the Mahoning County Department of Job and Family Services determined that, in light of this improper transfer of assets, a 22 ½ month period of restricted coverage would commence beginning July, 2014. After July, 2014, the Decedent's son made payments back to her each month from August, 2014 to February, 2015. The repaid money was then used each month to pay the nursing facility for the Decedent's care. The Mahoning County agency determined that, in light of the reconveyances, the restricted coverage period should be shortened to 15 ½ months and should begin in February, 2015, not July, 2014.



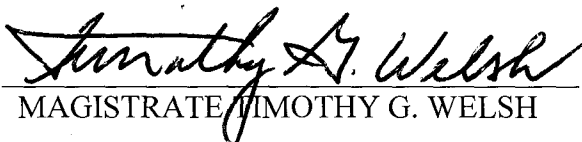
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The Decedent requested a state hearing pursuant to R.C. 5101.35(B). She agreed with the shortened restricted coverage period but argued that it should retain the original July, 2014 start date. The State Hearing Decision affirmed the County's decision, finding that the latest reconveyance was made to the Decedent in February, 2015 and that, therefore, her restricted coverage period could not begin before then. The Decedent requested an Administrative Appeal pursuant to R.C. 5101.35(C) and the Administrative Appeal Decision affirmed resulting in this timely appeal.

The Magistrate finds that the Administrative Appeal Decision issued by Appellee, Ohio Department of Job and Family Services is supported by reliable, probative and substantial evidence and is in accordance with law. Therefore, the Magistrate recommends that the Administrative Appeal Decision mailed December 16, 2015 and which is the object of this appeal be affirmed.

**This is an appealable Order and the Clerk of Court shall serve copies of this decision upon all counsel and unrepresented parties within three (3) days of the filing hereof.**

4-5-17  
DATE

  
MAGISTRATE/TIMOTHY G. WELSH

The parties shall have fourteen (14) days from the filing of this decision to file written objections with the Clerk of this Court. Any such objections shall be served upon all parties to this action and a copy must be provided to the Court. A party shall not assign as error on appeal on Court's adoption of any factual finding or legal conclusion of law under Civ. R. 53 (D)(3)(a)(ii), unless the party timely and specifically objects to the factual finding or legal conclusion as required by Civ. R. 53 (D)(3)(b). Any party may request the magistrate to provide written findings of fact and conclusions of law. In accordance with Civ. R. 52, this request must be made within seven (7) days from the date of filing of this decision.

THE CLERK SHALL SERVE NOTICE  
OF THIS ORDER UPON ALL PARTIES  
WITHIN THREE (3) DAYS PER CIVIL R.5