



101574164

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

MIKHAIL BAKHMAN  
Plaintiff

OHIO JOBS AND FAMILY SERVICES  
Defendant

Case No: CV-16-867212

Judge: DAVID T MATIA

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

UPON CONSIDERATION OF THE ENTIRE RECORD, THIS COURT AFFIRMS THE FINDINGS OF THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES. THE COURT BASES THIS DECISION ON THE FOLLOWING FACTS IN THE RECORD:

MR. BAKHMAN IS MEDICAID RECIPIENT WHO RECEIVES SUPPLEMENTAL SECURITY INCOME AND FOOD ASSISTANCE AND WHOSE MANAGED CARE PLAN MCP IS CARESOURCE. ST. HRG. REC. AT 2. IN MARCH 2016, MR. BAKHMAN DENTAL PROVIDER SUBMITTED REQUEST FOR PRIOR AUTHORIZATION FOR POST AND CORE AND CROWN FOR TOOTH #8 TO CARESOURCE. ST. HRG. REC. AT 2. THE REQUEST INCLUDED X-RAYS. ST. HRG. REC. AT 2. CARESOURCE DENIED THE REQUEST BECAUSE IT FOUND THAT THE SERVICES WERE NOT MEDICALLY NECESSARY. ST. HRG. REC. AT 2-3. AROUND THE SAME TIME, MR. BAKHMAN'S FOOD ASSISTANCE ALLOTMENT WAS CALCULATED AT \$137 PER MONTH, EFFECTIVE APRIL 1, 2016, WHICH WAS LOWER THAN THE PREVIOUS YEAR. ST. HRG. REC. AT 3.

IN GENERAL, FOR SERVICES TO BE COVERED BY MEDICAID, THEY MUST BE "MEDICALLY NECESSARY" AS DEFINED BY OHIO ADM. CODE 5160-1-01. THE RECORD REFLECTS THAT MR. BAKHMAN'S DENTIST SUBMITTED A REQUEST FOR PRIOR AUTHORIZATION FOR POST AND CORE AND CROWN FOR TOOTH #8 TO CARESOURCE, MR. BAKHMAN'S MCP. ST. HRG. REC. AT 23. THE REQUEST INCLUDED X-RAYS FROM THE DENTIST OFFICE. ST. HRG. REC. AT 23. CARESOURCE DENIED THE REQUEST PURSUANT TO THE OHIO ADMINISTRATIVE CODE AND THE CARESOURCE DENTAL HANDBOOK BECAUSE IT WAS UNABLE TO FIND THAT POST OR CORE OR CROWN WAS MEDICALLY NECESSARY.

MR. BAKHMAN ALSO APPEALS THE DETERMINATION OF HIS FOOD ASSISTANCE BENEFITS. THE MONTHLY FOOD ASSISTANCE BENEFIT FOR CATEGORICALLY ELIGIBLE APPLICANTS IS CALCULATED PURSUANT TO OHIO ADM. CODE 5101:4-4-27, WHICH FIRST REQUIRES THE APPLICANT NET MONTHLY INCOME TO BE DETERMINED ACCORDING TO OHIO ADM. CODE 5101:4-4-31. CERTAIN DEDUCTIONS MAY BE MADE FROM ONE GROSS MONTHLY INCOME WHEN CALCULATING THE NET INCOME. THE RECORD REFLECTS THAT ODJFS CALCULATED MR. BAKHMAN'S MONTHLY FOOD BASED AMOUNT OF INCOME HE RECEIVES, LESS ANY APPROPRIATE DEDUCTIONS. THE RECORD REFLECTS MR. BAKHMAN DOES NOT DISPUTE THE AMOUNT OF INCOME HE RECEIVES AND HE DOES NOT ARGUE THAT HE IS ENTITLED TO ADDITIONAL DEDUCTIONS.

BASED ON THE RECORD, THE COURT FINDS THAT THE DECISION OF THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES IS NOT UNCONSTITUTIONAL, ILLEGAL, ARBITRARY, CAPRICIOUS, UNREASONABLE, NOR UNSUPPORTED BY THE PREPONDERANCE OF SUBSTANTIAL, RELIABLE, AND PROBATIVE EVIDENCE ON THE WHOLE RECORD. THERE IS NOT JUST CAUSE FOR DELAY.

COURT COST ASSESSED AS DIRECTED.  
PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER

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11/30/2017

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NAILAH K. BYRD, CLERK



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PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

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Judge Signature

11/30/2017