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

JOHN BUSH
Plaintiff

OHIO DEPARTMENT OF JOB AND FAMILY
SERVICES
Defendant

Case No: CV-15-855087

Judge: STEVEN E GALL

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THIS MATTER CAME FOR CONSIDERATION BEFORE THE COURT ON AN ADMINISTRATIVE APPEAL TO THIS COURT PURSUANT TO R.C. 5101.35 AND R.C. 119.12. ON SEPTEMBER 9, 2015, APPELLANT'S APPLICATION FOR MEDICAID WAS DENIED. APPELLANT APPEALED AND ON OCTOBER 9, 2015 THE STATE HEARING OFFICER OVERRULED APPELLANT'S APPEAL. APPELLANT REQUESTED AN ADMINISTRATIVE APPEAL OF THE STATE HEARING DECISION. ON NOVEMBER 2, 2015, THE STATE HEARING DECISION WAS AFFIRMED. ON DECEMBER 2, 2015, APPELLANT APPEALED TO THE COMMON PLEAS COURT. THE COURT HAVING REVIEWED THE ENTIRE RECORD AND THE BRIEFS OF THE APPELLANT AND THE APPELLEE, HEREBY VACATES THE ADMINISTRATIVE APPEAL DECISION, FINDING THE DECISION IS NOT SUPPORTED BY RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE AND IS NOT IN ACCORDANCE WITH THE LAW. THE COURT FINDS THAT THE AUTHORIZED REPRESENTATIVE MADE SUBSTANTIAL EFFORTS TO COOPERATE IN THE PROCESS OF OBTAINING MEDICAID FOR APPELLANT INCLUDING REQUESTING ASSISTANCE FROM THE AGENCY IN OBTAINING THE NECESSARY DOCUMENTS. HOWEVER, DUE TO ERRORS IN PREPARING VERIFICATION CHECKLISTS, ERRORS IN COMPLETING BANK INQUIRY FORMS WITH CONFUSING INSTRUCTIONS (UNBEKNOWNST TO APPELLANT) AND MISCOMMUNICATION/LACK OF COMMUNICATION, THE INFORMATION WAS NOT OBTAINED. THE CULMINATION OF THE AGENCY'S ACTIONS FRUSTRATES THE UNDERLYING PURPOSES OF MEDICAID. THEREFORE, THE DECISION DENYING MEDICAID IS HEREBY VACATED AND THIS MATTER IS REMANDED FOR THE AGENCY TO ASSIST APPELLANT IN SECURING THE NECESSARY DOCUMENTS SO THAT THE AGENCY HAS ALL THE INFORMATION REQUIRED TO DETERMINE APPELLANT'S ELIGIBILITY FOR MEDICAID. SO ORDERED. COURT COST ASSESSED TO THE DEFENDANT(S). PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER 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.

Judge Signature

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NAILAH K. BYRD, CLERK