

**DEPARTMENT OF CHILDREN AND FAMILIES
FAIR HEARING REQUEST
OFFICE OF APPEAL HEARINGS**

[REDACTED],

Petitioner,

vs.

Appeal No.: [REDACTED]

Case No.: [REDACTED]

FLORIDA DEPARTMENT OF CHILDREN AND
FAMILIES,

Respondent.

JOINT PRE-HEARING STIPULATION

Petitioner and Respondent have conferred and file this pre-hearing stipulation and state:

I. A list of any pending motions or other matters that require action by the hearing officer:

Petitioner's Motion for Continuance dated July 11, 2023 is currently pending. After previously conferring in efforts to resolve this matter, both parties again conferred on July 24, 2023 and agree that a continuance is needed in order to ensure that all hearing rights Petitioner may be entitled to remain in place. The case is currently pending with the Florida Department of Health's Division of Disability Determinations Therefore, the parties, jointly, are respectfully requesting a continuance of the hearing in this matter set for Wednesday July 26, 2023 at 1:15 p.m. and plan to request the same at the hearing in order to allow for the Disability Determination to be processed.

II. Concise Statement of the Nature of the Appeal and the Relief Sought

A. Petitioner's Statement

Petitioner filed this appeal to contest Respondent's termination of Petitioner's Medicaid on April 30, 2023 by Notice of Case Action dated April 4, 2023 because Petitioner is disabled. Petitioner respectfully requests that this Honorable Hearing Officer find that Petitioner is entitled to Medicaid benefits due to his disability, that Petitioner was eligible for Medicaid benefits as of May 1, 2023 ongoing, and, therefore, the termination of Petitioner's Medicaid was erroneous.

B. Respondent's Statement

Respondent's Notice of Case action was appropriate; the situation was alleviated when Petitioner submitted a re-application for disability related benefits, which the Department attempted to assist with. The case is now pending with the Florida Department of Health Disability Determination Division. There is no further action that can be taken by Respondent at this time; and Respondent feels the case is unripe for appeal at this time.

III. Exploration of possible settlement:

The parties discussed a possible resolution of this matter on June 29, 2023 and July 24, 2023. Counsel for the parties are continuing to discuss and determine if resolution of this matter is possible. Petitioner's position is that, if the Department of Children and Families (DCF) would agree to continue Petitioner's Medicaid until a disability determination is issued from the Division of Disability Determinations, Petitioner will agree to dismiss this hearing and request a new hearing if the disability determination is not favorable to Petitioner. However, DCF must agree that, in the event that the disability determination is not favorable to Petitioner and Petitioner timely appeals that decision resulting in termination/discontinuation of his Medicaid, then Petitioner has the right to aid paid pending pursuant to the Department's Economic Self Sufficiency Program Policy Manual Section 0410.0604, Fla. Admin. Code R. 65-2.048(1), and 42 C.F.R. § 431.230.

