

Leon V. obo Paige V. v. Health and Human Services

Case Number

S-18-0197

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December 4, 2018

Court Number

Lancaster

Case Location

Lincoln

Case Summary

S-18-0197 Leon V. obo Paige V. v. Nebraska Dept. of Health and Human Services (DHHS) (Appellant)

Lancaster County District Court, Susan I. Strong

Attorneys: Ryan C. Gilbride (Attorney General's Office) (Appellant) --- Ann C. Mangiameli, Joanna Uden (Senior Certified Law Clerk) (Legal Aid of Nebraska) (Appellee)

Civil: Administrative Procedure Act (APA), Neb. Rev. Stat. §§ 84-901 to 84-920

Proceedings below: The parents of Paige V. (Leon and Cristy V.) submitted a Medicaid application on her behalf. DHHS issued a Notice of Action denying the application. The parents appealed this action and an administrative hearing was held pursuant to the APA. An order was entered affirming the action. The parents filed a Petition for Review of the administrative decision in the trial court pursuant to Neb. Rev. Stat. § 84-917. The trial court determined Paige V. was disabled for purposes of determining Medicaid eligibility, reversed the order, and remanded the case to DHHS with directions to award Petitioners AABD Medicaid Waiver Services and reimburse Petitioners for medical expenses which should have been covered on and after October 1, 2016.

Issues: Whether the trial court erred by remanding the matter to DHHS with directions to award Petitioners AABD Medicaid Waiver Services and reimburse Petitioners for medical expenses which should have been covered on and after October 1, 2016.
