

STATE OF NORTH CAROLINA
COUNTY OF ANSON

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
16 DHR 03129

<p>Compassion Home Care Inc. Petitioner,</p> <p>v.</p> <p>Division of Medical Assistance, NC Department of Health and Human Services Respondent.</p>	<p>FINAL DECISION GRANTING SUMMARY JUDGMENT FOR PETITIONER</p>
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THIS CAUSE coming on to be heard before the undersigned Administrative Law Judge on the Petitioner's Motion for Summary Judgment; the Respondent has filed a Response; and the Petitioner has filed a Reply. After careful review of the motion papers, legal arguments made and authorities cited therein, and there being no genuine issue as to any material fact, the Undersigned determines that the Respondent failed to act in accordance with 10A NCAC 22F .0302 & .0601(b) and that the Petitioner is entitled to Summary Judgment as a matter of law.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Motion for Summary Judgment is granted in favor of the Petitioner.

Judgment hereby is entered for the Petitioner.

This decision is made under the authority of § G.S. 150B-34(e).

NOTICE

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record

in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 22nd day of November, 2016.

Selina Malherbe Brooks
Administrative Law Judge