

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
12 UNC 04109

Vikki J Goings,
Petitioner,
v.
UNC Hospital,
Respondent.

FINAL DECISION ALLOWING SUMMARY JUDGMENT FOR RESPONDENT

On August 20, 2012, Respondent filed a Motion to Dismiss or, alternatively, for Summary Judgment. Respondent's Motion to Dismiss was filed as a sanction against Petitioner on the grounds that Petitioner has failed to comply with the order for prehearing statements. Respondent's Motion for Summary Judgment, with supporting documents, was filed on the grounds that Respondent served Petitioner with Requests for Admissions and Requests for Production of Documents on June 22, 2012, which have not been answered or responded to in any way by Petitioner.

1. Petitioner received medical care from Respondent on account number 431599802 on or about April 8, 2011, with total charges being \$326.00;
2. Petitioner received medical care from Respondent on account number 432951069 on or about May 17, 2011, with total charges being \$143.00;
3. Respondent mailed account statements to Petitioner advising her of the total balance owed on the accounts, but Petitioner has made no voluntary payments on the debt;

4. Respondent received Petitioner's State income tax refund for 2011 in the amount of \$304.85 and applied that amount to her balances owed on account numbers 431599802 and 432951069; and
5. After Respondent applied Petitioner's 2011 State income tax refunds to the balances owed Respondent in accounts 431599802 and 432951069, Petitioner's account balances were reduced to zero.

Having considered the documents of record in this contested case, together with Respondent's Motion and supporting documents, in the light most favorable to the nonmovant, I find that Respondent's Motion for Summary Judgment should be, and the same hereby is, ALLOWED.

NOTICE

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 Wake County or in the Superior Court of the county in which the party resides. **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 03.012, 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 18th day of October, 2012.

Beecher R. Gray
Administrative Law Judge