

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13UNC11434

<p>Chiduzie Oriaku, Petitioner,</p> <p>v.</p> <p>UNC HOSPITALS, Respondent.</p>	<p>FINAL DECISION</p>
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THIS MATTER was heard before the undersigned Administrative Law Judge, Beecher R. Gray, on August 30, 2013 at the Office of Administrative Hearings in Raleigh, North Carolina.

APPEARANCES

For Petitioner:

Chiduzie Oriaku
Pro Se
Durham, NC

For Respondent:

Kathryn J. Thomas
Special Deputy Attorney General
Chapel Hill, NC

ISSUE

Whether Respondent is entitled to Petitioner's 2012 North Carolina Tax Refund under the North Carolina Setoff Debt Collection Act, Chapter 105A of the North Carolina General Statutes.

WITNESSES

Carolyn Penny, for Respondent
Petitioner on his own behalf

EXHIBITS

Petitioner's Exhibit admitted into evidence:

- 1 – Certification of Health Insurance Coverage

Respondent's Exhibits admitted into evidence:

- A – Consent for Treatment/Financial Responsibility and medical records
- B – CT notes (Patient Accounts activity notes)
- C – Bills and Map explanation
- D – Set-off Debt Collection Notice
- E – Account Detail

Official Notice was taken of N.C.G.S. § 105A, et seq.

APPLICABLE STATUTES AND RULES

N.C.G.S. Chapter 105A

N.C.G.S. Chapter 150B

BASED UPON careful consideration of the documents and exhibits received, after hearing the arguments of Petitioner, *pro se*, and Respondent, through counsel, the Undersigned makes the following Findings of Fact, Conclusions of Law, and Final Decision.

FINDINGS OF FACT

1. Petitioner filed a Petition for Contested Case Hearing on April 22, 2013, claiming that UNC Hospitals wrongfully took \$2,051.42 from his State income tax refund. A Notice of Contested Case and Assignment and an Order for Prehearing Statements were filed and served on Petitioner and Respondent on May 3, 2013. A Notice of Hearing was issued on May 9, 2013 setting the date for hearing on August 30, 2013.
2. On July 8, 2003, Petitioner received medical services at The University of North Carolina Hospitals which resulted in charges for medical services in the amount of \$2,051.42.
3. On that date, Petitioner signed the General Consent for Treatment and Financial Responsibility form which provides as follows: "If I do not have health insurance coverage or have not provided current or accurate insurance information, I am responsible for payment of all charges."
4. The University of North Carolina Hospitals' billing records show that Petitioner did not provide insurance information and was noted as self-pay in the medical records.
5. Respondent called Petitioner several times and sent letters to Petitioner seeking additional information about payment for services, including offering to assist with an application

for Medicaid. Respondent's records show that Petitioner never provided information related to insurance coverage to Respondent.

6. After receiving no additional payments on the account, Respondent classified these accounts as bad debt and placed them with the North Carolina Department of Revenue under the Setoff Debt Collection Act, N. C. G. S. 105A, et seq.
7. On April 2, 2013, Respondent sent Petitioner a notice that \$287.00 had been withheld from Petitioner's State income tax refund to apply to outstanding debts at UNC Hospitals.
8. On May 7, 2013, Respondent sent Petitioner a notice that \$189.56 had been withheld from Petitioner's State income tax refund to apply to outstanding debts at UNC Hospitals. Petitioner did not appeal the May 7, 2013 action.
9. Petitioner did not file a Prehearing Statement.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter under Chapter 150B of the North Carolina General Statutes.
2. All parties have been correctly designated and there is not a question as to misjoinder or nonjoinder.
3. Respondent provided medical services to Petitioner on July 8, 2003 resulting in charges for those medical services in the amount of \$2,051.42. Petitioner was responsible for payment of those services.
4. Respondent took appropriate actions to obtain payment through Petitioner's health insurer and relied in good faith upon the information provided by Petitioner.
5. Respondent is entitled to reimbursements from Petitioner for medical services rendered.
6. After Respondent applied the amount of \$287.00 from Petitioner's tax refund to the account; after Respondent applied the amount of \$189.56 from Petitioner's other tax refund to the account; and after Respondent applied a self-pay adjustment of \$513.00 to the bill, Petitioner owes Respondent \$1,061.86.

FINAL DECISION

NOW, THEREFORE, based on the foregoing, the Undersigned hereby finds that Respondent is entitled to intercept and retain Petitioner's State Income Tax Refund in the amount of \$287.00 under the State's Set Off Debt Collection Act, Chapter 105A of the North Carolina General Statutes, Respondent's actions are supported by the evidence and are **AFFIRMED**.

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 03.0102, 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 7th day of October, 2013.

Beecher R. Gray
Administrative Law Judge