STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 UNC 05220

Marie Crowder
          Petitioner,
 	
v.
 	
UNC Hospitals
          Respondent.
	**FINAL DECISION
	ORDER OF DISMISSAL**

THIS MATTER comes before the Honorable Donald W. Overby, Administrative Law Judge presiding, for consideration of Respondent's Motion for Summary Judgement filed with the Office of Administrative Hearings ("OAH") on October 12, 2015. A Request for Response to Motion was mailed to Petitioner at the address OAH has on file. To date, Petitioner has not filed a response. Having considered the respective filings of both parties as well as matters of record appropriate for consideration, this Tribunal finds as fact and concludes as a matter of law that there exists no genuine issue of material fact and that this matter is appropriate for disposition by summary judgment.

Respondent rendered medical services to Petitioner on or about October 31, 2004 and November 1, 2004. After applying insurance payments and adjustments, Petitioner owed an outstanding balance of $265.35. Respondent mailed statements for the outstanding balance to Petitioner to the address Respondent had on file for the Petitioner. On March 27, 2005 Respondent reported Petitioner's indebtedness to the North Carolina Department of Revenue. Petitioner filed this contested case on July 20, 2015 contesting Respondent's interception of her North Carolina Department of Revenue tax refund. Petitioner asserts that she never received notice of the outstanding debt.

Respondent served discovery requests on Petitioner on September 18, 2015. Petitioner failed to respond to said requests. By failing to respond, Petitioner has admitted the truth to each request. As such, Petitioner has admitted that she received medical treatment at UNC Hospitals on or about October 31, 2004 and November 1, 2004 and that she owes an outstanding balance of $265.35.

Rule 56 of the North Carolina Rules of Civil Procedure provides that judgment shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there is no genuine issue of material fact and that the party is entitled to judgment as a matter of law.

NOW THEREFORE, Respondent's Motion for Summary Judgment is **GRANTED**. This contested case is dismissed with prejudice.

<u>NOTICE</u>

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 it was enclosed in a wrapper and placed in an official depository of the United States Postal Service, as evidenced by the postmark date of the wrapper**. 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.

IT IS SO ORDERED.

This the 16th day of December, 2015.

_____
Donald W Overby
Administrative Law Judge