

State of Colorado



Matt Smith, *Chairperson*
Roy V. Wood, *Vice-Chairperson*
Dan Grossman, *Commissioner*
Sally H. Hopper, *Commissioner*
Larry R. Lasha, *Commissioner*

Jane T. Feldman, *Executive Director*

INDEPENDENT ETHICS COMMISSION

633 17th St., Ste. 1300, Denver, CO 80202

Ph.: 303/866-5727

Fax: 303/866-3777

E-mail: jane.feldman@state.co.us

www.colorado.gov/ethicscommission

July 24, 2009

Mr. John Moore
140 SE Frontier Ct.
Cedaredge, CO 81413

Re: Complaint 09-09

Dear Mr. Moore:

The Independent Ethics Commission met on July 21, 2009 to discuss the Complaint you filed with the Commission. The Commission determined that your complaint does not allege a violation of "Article XXIX or any other standards of conduct or reporting requirements under the jurisdiction of the IEC." See, IEC Rules 7.D.1., 3. The Commission therefore dismissed the Complaint.

The Commission asked me, however, to refer you to Colorado Legal Services, which may be able to assist you in an appeal. They have offices in both Montrose and Grand Junction. The phone number for the Grand Junction office is 970.243.7941, and the phone number for the Montrose office is 970.249. 9658. You can also call Judge Norwood's supervisor, Matthew Azer, at 303.866.2000.

For the Commission,

Jane T. Feldman
Executive Director

THIS WAS
BIG time,

ON BIAS

1-1-09

DEAR, SENATOR AND GOVNER,

I WOOD LIKE FOR YOU

~~to~~ TO DO A INVESTIGATION

IN TO THIS AGAINST ALL

THE PEOPLE,

1 CC ADMINISTRATIVE LAW JUDGE
JUDGE. MATTHEW. FAX 303 866-5909
PHONE, # 1-303 866-2000

2 CC CITY ZENACTIVIST, AND
THE GOVNER OFFICE, FAX 303
866-2003.

~~3 CC~~

1 CC DELTA COUNTY DEPT OF
HUMAN SERVICE, TO MARY HARPER
970-874-2030 FAX 970 874-2068

1 ELIZABETH MULLER, OFFICE
OF APPEALS, 1575 SHERMAN ST
FIRST FL. DENVER CO 80203

v1

5 AND these people HAVE
SO SO MUCH BIAS AGAINST
me,

6. my mom FILED A
APPLICATION FOR FOOD
STAMPS, IN December, 18
2008 I WAS TOLD BY
MARRY HARPER SHE HAD
it, so there you go.

7. Here is ALL OF THE
CASE # THAT I AM
APPEALING, SHS 09-0295
SHS 20080349 - 2008-2009

SHS 20090068 SHS 20090068

SHS 20080349 SHS 20090068

8 MY MOM WAS ELIGIBLE
FOR THESE BENEFITS. THANK
YOU SO MUCH FOR INVESTIG
ATION, IN THESE PEOPLE.

9. MATTHEW NORWOOD ADMINISTRATIVE
633 17TH ST SUITE 1300 DENVER CO
80202, 1303. 866-2000

10. COLORADO DEPARTMENT OF HUMAN
SERVICE, AGING - ADULT SERVICES
1575 SHERMAN ST. 70FLR
DENVER, CO 80203

11 DEPARTMENT OF HUMAN SERVICE
970-874-2030. FAX 970-874-5024

12 I DO HAVE MY MOM

4

POWER OF Attorney,

ALL Benefitees ARE DO

THANK YOU

JOHN Moore
140 Se. frontier ct
CEDAREDGE, ca 81413

970 856-3168

my MOM - DOROTHY

MOORE

DEAR SIR

6-30-09

I AM FILEING THIS
 COMPLAINT AGAINST
 MATTHEW E NORWOOD
 ADMINISTRATIVE LAW JUDGE
~~FROM~~ LAW JUDGE NORWOOD
 DID NOT LIKE ME AT
 ALL

~~1 JUDGE NORWOOD WAS~~

1 JUDGE NORWOOD WAS
 SO COCKY TO ME

2 CASE # SHS 20090068

3 SHS 20090068

2

4 SHS 20090349

5 ~~I~~ I HAVE THE POWER
OF ATTORNEY.

7 I AND MY MOM
APPLIED. IN DEC 08

8 THERE FOR ALL

14. BENEFITS ARE DO.

9 COLLEEN GRIFF IS

SO ~~DO~~ WRONG IN

THIS CASE, I DID DO

CAUSE.

10

THIS IS BIAS.

- 11 ELIZABETH MULLER
HAS BIAS FOR ME.
- 12 I AM CONTESTING THE
FOLLOWING CASE. 2008-2009
- 13 CASE NO SHS 20080349
- 14 CASE NO SHS 20090068
- 15 CASE NO 20090068
- 16 20080349
- 17 ~~2008~~ 20090068
- 18 SHS 20090295
- 19 I THANK YOU SO
MUCH LOOKING INTO

5

JOHN MOORE
140 Se. Frontier, ct
CEDARIDGE, COLO
970 856-3168 81413

4

C.C. SENATOR 303-866-3777
FAX

CC MARK 202-244-5941

CC MIKE 202-244-5852

THANK YOU FOR
LOOKING IN TO ~~FIND~~
~~THE~~ THESE PEOPLE

C.C. ELIZABETH MULLEN
FAX 303-866-5024

CC JUDGE MATTHEW
FAX 303-866-5909

CC CITY ZEN ACTIVIST
GOUNER OFFICE, FAX
1303-866-2003

CC DELTA COUNTY DEP.
OF HUMAN SERVICE FAX 970-874-
to MARY HAPER 5024

**BEFORE THE OFFICE OF ADMINISTRATIVE COURTS
ON BEHALF OF THE DEPARTMENT OF HUMAN SERVICES
STATE OF COLORADO**

CASE NO. SHS 20090295

INITIAL DECISION

JOHN MOORE,

Appellant,

v.

DELTA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Appellee.

Hearing in this matter was held by telephone before Matthew E. Norwood, Administrative Law Judge, ("ALJ") on June 4, 2009. The hearing was electronically recorded. Neither party was represented by counsel. Ruth Trumpfheller, Self Sufficiency Administrator with the Appellee ("County Department") and Leone Anderson, LEAP Supervisor with the County Department appeared on behalf of the County Department. The Appellant represented himself. The ALJ was connected from the Office of Administrative Courts ("OAC").

Additional Documents

On June 4, 2009, following the hearing, the Appellant faxed a document to the ALJ. The ALJ had not given leave to the Appellant to submit this document and the document does not appear to have been copied to the County Department. The document references this case and is not a new appeal. The document has been marked as Appellant's exhibit F and is not admitted.

Issues Presented

The Appellant has submitted a number of appeals regarding various forms of public benefits. This Initial Decision will discuss these benefits by type. The ALJ determines that no action is required by the County Department.

Findings of Fact

Based on the evidence presented at hearing, the ALJ makes the following Findings of Fact:

1. On April 10, 2009 the Appellant filed an appeal with the OAC on an OAC form. Appellant's exhibit A. The appeal requested, "back pay of OAP" for his mother. Appellant's mother is deceased. "OAP" stands for Old Age Pension ("OAP") benefits.
2. Also on April 10, 2009 the Appellant filed an appeal on an OAC form seeking mileage for his mother. Appellant's exhibit B.
3. Also on April 10, 2009 the Appellant filed an appeal on an OAC form for Home Care Allowance ("HCA") benefits for caring for his mother. Appellant's exhibit C.
4. On April 7, 2009 the Appellant filed an appeal on an OAC form seeking benefits under the Low-income Energy Assistance Program ("LEAP") as well as help with rent. Appellant's exhibit D.
5. None of the above four appeals were accompanied by a notice of adverse action from the County Department.

OAP Benefits and Case No. SHS 20080349

6. The County Department erroneously approved the Appellant's mother for OAP benefits in September 2002. In fact, though, the Appellant's mother was not eligible for those benefits and they were discontinued effective December 1, 2006.
7. The Appellant's mother passed away December 29, 2008.
8. No appeal was filed until April 2008 and the OAC assigned it case number SHS. That same month Administrative Law Judge Robert N. Spencer issued an Order to Show Cause why the matter should not be dismissed for being untimely filed. Administrative Law Judge Spencer then dismissed the case that same month after the Appellant's mother withdrew her appeal.

Mileage

9. The Appellant has not identified how it is he believes he is eligible for reimbursement for driving his mother. HCA does provide reimbursement for "accessing resources" at Section 3.720.3, 9 C.C.R. 2503-1. However, as described below, the Appellant had not been approved for HCA benefits.

HCA Benefits

10. Neither the Appellant, nor his mother, applied for HCA benefits for the Appellant's mother while she was alive. The Appellant's mother was never approved for these benefits.

LEAP Benefits

11. On December 1, 2008 the Appellant applied for and was approved for the maximum amount of LEAP benefits for the 2008-2009 benefit season. At hearing the

Appellant was asked what more he was seeking in terms of LEAP benefits in light of the fact that the he was approved for the maximum amount. The Appellant indicated that he was not pursuing this appeal.

Case No. SHS 20090068

12. Sometime prior to January 12, 2009 the Appellant applied to the County Department for assistance with funeral and burial expenses for his mother. The OAC assigned that case no. SHS 20090068. A hearing was held March 26, 2009 before this ALJ and the ALJ issued an Initial Decision April 15, 2009.

13. As set out in Findings of Fact 6 and 7 above, the ALJ found that the Appellant's mother had been incorrectly approved for OAP and that the appeal of the discontinuation of those benefits had been withdrawn. The ALJ further found that the Appellant's mother had not been receiving public benefits when she passed away and so was not eligible for funeral and burial expenses.

14. The State Department's Office of Appeals issued a Final Agency Decision May 21, 2009 upholding the ALJ's Initial Decision.

Conclusions of Law

Based on the above Findings of Fact, the ALJ enters the following Conclusions of Law:

OAP Benefits

1. As has already been determined in case nos. SHS 20080349 and SHS 20090068, the Appellant's mother was not eligible for OAP benefits.

Mileage

2. The County Department is not responsible for reimbursing the Appellant for his mileage expenses in driving his mother.

HCA Benefits

3. The Appellant is not eligible for HCA allowance benefits as no application was filed on the Appellant's mother's behalf while she was alive.

LEAP Benefits

4. The Appellant has received the maximum amount of LEAP benefits for the 2008-2009 LEAP season. There is no other relief available to the Appellant with regard to these benefits.

INITIAL DECISION

Based on the foregoing, it is the Initial Decision of the Administrative Law Judge that no additional action on the part of the County Department is required.

Pursuant to Rules 26-1-106 and 24-4-105(14)(a)(I), C.R.S., this Initial Decision shall be reviewed by the Office of Appeals, State Department of Human Services. The parties shall have 15 days from the date this Initial Decision is mailed, plus three days for mailing, to file written exceptions with the Office of Appeals at 1575 Sherman Street, 1st Floor, Denver, Colorado 80203, unless extended by the Office of Appeals. This Initial Decision will not be implemented while pending further review and final agency action by the Office of Appeals. Pursuant to applicable rules, the failure to file exceptions to provisions of the Initial Decision will waive the right to seek judicial review of a final agency decision that affirms those provisions.

DONE AND SIGNED

June 24, 2009

MATTHEW E. NORWOOD
Administrative Law Judge

Exhibits admitted:

For the County Department: The packet from Ms. Anderson regarding LEAP benefits marked exhibits A-D and the cover letter marked exhibit E. Also admitted for the County Department is the packet from Ms. Trumpfheller regarding OAP and other benefits, exhibits 1-7. Please note that because the County Department used both letters and numbers in its two packets there are lettered exhibits from the Appellant and the County Department. The ALJ has marked the Appellant's exhibits as "Appellant's exhibit" A, B, C, etc. The County Department's lettered exhibits regarding LEAP will be marked with the word "LEAP" on the first page of the exhibit.

For the Appellant: Exhibits A, B, C, D and E. Appellant's exhibit F is not admitted.

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 633 17 th Street, Suite 1300 Denver, Colorado 80202	
DOROTHY MOORE, Appellant, vs. DELTA COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES, Appellee.	▲ COURT USE ONLY ▲ CASE NUMBER: SHS 20080349
INITIAL DECISION DISMISSING APPEAL	

The above-captioned appeal has been dismissed and the scheduled hearing of:

Date: May 13, 2008
 Time: 1:30PM

is cancelled (see paragraph marked below) because:

- The appellant or the appellant's legal representative requested that the appeal be withdrawn.
- The issues on appeal have been settled by the parties.
- The above named agency has withdrawn the adverse action.
- Other.

Pursuant to Sections 26-1-106(1)(a) and 24-4-105, C.R.S. this Initial Decision shall not be implemented pending review by the Office of Appeals, State Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203.

DONE AND SIGNED this ___ day of July, 2009.

 Robert N. Spencer
 Administrative Law Judge

Si no entiende esta noticia, llame por teléfono al departamento del condado.

**BEFORE THE OFFICE OF ADMINISTRATIVE COURTS
ON BEHALF OF THE DEPARTMENT OF HUMAN SERVICES
STATE OF COLORADO**

CASE NO. SHS 20090068

INITIAL DECISION

DOROTHY MOORE,

Appellant,

v.

DELTA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Appellee.

Hearing in this matter was held by telephone before Matthew E. Norwood, Administrative Law Judge, ("ALJ") on March 26, 2009. Neither party was represented by counsel. The Appellant, who is deceased, was represented by her son, John Moore. Mary Harper and Sarah Triantos appeared from the offices of the Appellee ("County Department"). Mr. Moore appeared from his home. The ALJ was connected from the Office of Administrative Courts ("OAC").

Additional Documents

Following the hearing, Mr. Moore submitted documents to the OAC on April 7, 9, 10 and 14, 2009. The ALJ had not given leave to Mr. Moore to submit these documents and the documents, possibly with one exception, do not appear to have been copied to the County Department. Nevertheless, in order to avoid an issue on appeal, the ALJ has admitted these documents as exhibits G, H, I and J. These exhibits are not prejudicial to the County Department.

In addition, Mr. Moore has filed a separate appeal concerning a number of issues. That appeal has been given case number SHS 20090295. This Initial Decision will not treat the matters to be decided in that appeal.

Issues Presented

This case concerns the question of whether death reimbursement benefits as described in Section 3.150¹ are available for the cost of Appellant's funeral and burial.

Findings of Fact

Based on the evidence presented at hearing, the ALJ makes the following Findings of Fact:

1. The Appellant last received public benefits, in the form of Old Age Pension ("OAP") benefits and Medicaid, in November 2006. She had received those benefits from at least August 2004 through the month of November 2006.

2. In fact, though, the Appellant was not eligible for those benefits. The County Department had failed to account for the Appellant's husband's income, which made her ineligible for OAP.

3. Also, the Appellant was not eligible for Medicaid. She was not receiving Supplemental Security Income ("SSI") and, as stated, was not eligible for OAP. She was not eligible for Medicaid through some other route.

4. The County Department discontinued the Appellant's benefits effective December 1, 2006. An appeal was filed, apparently of this discontinuation, not until April 2008. The appeal was given case number SHS 20080349. That same month Administrative Law Judge Robert N. Spencer issued an Order to Show Cause why the matter should not be dismissed for being untimely filed. Administrative Law Judge Spencer then dismissed the case that same month after the Appellant withdrew her appeal.

5. Sometime prior to January 12, 2009 Mr. Moore applied to the County Department for assistance with funeral and burial expenses for the Appellant. Ms. Sarah Triantos of the County Department wrote back to Mr. Moore in a letter dated January 12, 2009. She wrote that the application was denied because the Appellant had not been receiving public benefits, nor had she applied for them, at the time of her death.

6. Ms. Triantos was correct that the Appellant had not been receiving and had not applied for public benefits at the time of her death.

¹ The rules of the State Department of Human Services referred to herein are printed in 9 CCR 2503-1 and will be cited by rule number only. The rules may be viewed at the web site of the Colorado Secretary of State at: <http://www.sos.state.co.us/CCR/Welcome.do>.

Conclusions of Law

Based on the above Findings of Fact, the ALJ enters the following Conclusions of Law:

1. The rules of the State Department do not restrict death reimbursement benefits to persons who were receiving or had applied for public benefits at the time of their death. The pertinent rule at Section 3.150.2 A. provides only that:

The expenses are incurred for the disposition of a deceased recipient who received public assistance and/or medical assistance while alive;

2. However, the statutory authority for death reimbursement benefits provides at Section 26-2-129(3), C.R.S.:

[A] death reimbursement covering reasonable funeral expenses or reasonable cremation or burial expenses or any combination thereof shall be paid by the county department for a *decedent* if the estate of the deceased is insufficient to pay such reasonable expenses and if the persons legally responsible for the support of the deceased are unable to pay such reasonable expenses. [Italics added.]

3. Section 26-2-129(2)(c), C.R.S. provides:

"Decedent" means a deceased recipient of or applicant for public assistance or medical assistance who was receiving or was eligible to receive benefits at the time of death.

4. Based on this definition, the ALJ concludes that death reimbursement benefits may only be paid for a decedent who was receiving or applying for public benefits at the time of their death. Because the Appellant was not such a person, the application was correctly denied.

INITIAL DECISION

It is the Initial Decision of the Administrative Law Judge that the denial of the application for death reimbursement benefits concerning the Appellant was correct.

Pursuant to Rules 26-1-106 and 24-4-105(14)(a)(I), C.R.S., this Initial Decision shall be reviewed by the Office of Appeals, State Department of Human Services. The parties shall have 15 days from the date this Initial Decision is mailed, plus three days for mailing, to file written exceptions with the Office of Appeals at 1575 Sherman Street, 1st Floor, Denver, Colorado 80203, unless extended by the Office of Appeals. This Initial Decision will not be implemented while pending further review and final agency action by the Office of Appeals. Pursuant to applicable rules, the failure to file

exceptions to provisions of the Initial Decision will waive the right to seek judicial review of a final agency decision that affirms those provisions.

DONE AND SIGNED

April 15, 2009

MATTHEW E. NORWOOD
Administrative Law Judge

Hearing recorded electronically

Exhibits admitted:

For the County Department: Exhibit 1 (Exhibit 1 includes the County Department's attachments exhibits A and B; these are separate from the Appellant's exhibits A and B.)

For the Appellant: Exhibits A, B, C, D, E, F, G, H, I and J.