

NO. 95346-5

**FILED**  
FEB 28 2018  
WASHINGTON STATE  
SUPREME COURT  
*OPB*

**RECEIVED**  
FEB 28 2018  
WASHINGTON STATE  
SUPREME COURT  
COA NO. 73713-9-1

.....  
**SUPREME COURT OF THE STATE OF WASHINGTON**  
.....

RE, IN THE MATTER OF DEOIDE LEA CUNNINGHAM,

APPELLANT,

v.

STATE OF WASHINGTON, DEPT OF SOCIAL & HEALTH SERVICES

RESPONDENT

EMERGENCY MOTIONS RAP 17.4(b)

MOTION TO SUPPLIMENT PARAGRAPH 6 DISCOVERY EVIDENCE

1. RCW 34.05.562(1) – (d) Exhibits A - G

MOTION FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES

2. RCW 34.05.534(3)(a)(b)(c)

.....  
EMERGENCY MOTIONS BEFORE REVIEW RAP 17.4(b)  
.....

DEOIDE L. CUNNINGHAM  
Appellant  
KARL OLSON  
Personal Caregiver of 28 years  
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## I. IDENTITY OF MOVING PARTY

The moving party is the petitioner Deoid'e L. Cunningham supported by her assistant Karl Ivan Olson, significant other, caregiver of 28 years.

## II. RELIEF SOUGHT

In order to save time for Deoid'e and this court, the grave irreparable harm that has become to Deoid'e from this more than 5 year wrongful action, Deoid'e comes now pursuant to RAP 17.4(b) with her emergency motion to save herself and the court time. We ask this court to exercise its authority under RAP 17.4(b) to approve this emergency motion because the court is due to review these issues on 4/3/2018 and it needs to review this new evidence RCW 34.05.562(1) – (d) before proceeding because the court may avoid wasting Deoid'e's time and also the time of the good Clerks and Justices. The court may find more fact finding is needed before review ,that this matter may be vacated in favor of Deoid'e and dismissed while an option properly before the court would be RCW 34.05.534(3)(a)(b)(c) for exhaustion of administrative remedies. We ask that the court accept this emergency motion, evidence, vacate the default and return Deoid'e to school.

## III. BASIS FOR RELIEF

**A. Without this motion Deoid'e will continue to face grave irreparable harm by appealing action caused by HCA now determined to be erroneous, that her time absent should have been determined temporary, removing argument needed to complete exhaustion of administrative remedies. Deoid'e will face a gross miscarriage of justice as she was denied a hearing, counsel, impartial decision makers on 2 appeals of DD eligibility.**

It is critical to understand that all Washington benefits through the The Healthcare Authority (HCA) formerly the Department of social & health services (DSHS) and the Development disabilities administration (DDA) all depend on one key issue here and that is being a Washington resident. You either are or are not, one may be absent intermittently/temporarily which maintains your legal residency here in Washington which medical is proof of residency. "WAC 388-823-1020 Can DDD terminate my eligibility if I no longer am a resident of the state of Washington? DDD will terminate your eligibility if you lose residency in the state of Washington as defined in WAC 388-823-0050. WAC 388-823-0050 Must I be a resident of the state of Washington? "When you apply for eligibility DDD, you must be a resident of the state of Washington. **Proof of residency includes :( 1) the receipt of Medicaid or other benefits from the department of social and health services that require residency as a condition of eligibility.** One cannot be ineligible for DDA while being eligible for medical (Exh A, A1) during the same time, before or after due to the residency requirement which has been corrected by HCA previously DDA. DDA wrongfully cited intermittent travel as a residency violations in emails from 2014 which was basis for termination now determined post review for accuracy "should have been" determined as absent temporarily . The rules have not changed since 2013 and in Washington a client may be away intermittently, may travel and remain eligible for all benefits strictly based upon residency and that it no longer at issue. What evidence did HCA review that they did not have before? What is now available that was missed in 2008- 2018? We certainly do not know and HCA has denied our access to these



“new documents “HCA objects to Deoid'e seeing her files outright, without discovery (again) which is why she is here in the first place. This court has the authority pursuant to RCW 34.05.562(1) – (d) to accept discovery. As indicated by the HCA review documents dated 12/18/2017(Exh A), all alleged years and dates were claimed or there would be more. Deoid'e was a resident before the HCA investigation was completed in 2014 (Exh A1) however, Deoid'e was fully eligible prior to, during and after her termination by HCA in 2013 and that now her absence should have been determined as temporary or intermittently which does maintain her State benefits. This contradicts the 3/4/2013 PAN on client eligibility residency and the AG(attorney General) brief dated 1/16/2018 to our petition for Supreme Court review. No dates after 2011 could be included by investigators who conducted the investigation for 2008 – 2013(Exh A1); no others could be added because Deoid'e was a resident of Washington. Deoid'e does not wish the court to consider her review request without viewing new evidence just made available after our 12/15/2017 submission, Deoid'e does not wish this court to waste its valuable time on an issue that is now invalid due to the HCA findings that she was fully eligible for all state benefits leading up to the 3/4/2013 PAN which now is void, arguing reinstatement of a hearing on residency would be as if arguing that the world is still flat therefore it is futile because the truth is now known. Through appeals, Deoid'e argued the lower courts tenaciously to remand for fact finding, she demanded all her client files to prevent this but all refused to listen while HCA denied access to her own property. Deoid'e asks through this motion for relief in the form of acceptance of this evidence and an expedited

review because it is relevant here in this case and that it should resolve this 5 year issue by vacating the action against her, providing relief through exhaustion of administrative remedies RCW 34.05.534(3)(a)(b) and (c) It has been so long now that only this court can provide the relief she is entitled to under the new circumstances by ordering this evidence accepted in an emergency motion, which will not prejudice this court or the AG , in fact it should stop the issue immediately from unnecessary delay for administration of justice WASH.

CONST. ART 1. SEC 2, WASH. CONST. ART 1. SEC 3, WASH. CONST.

ART 1. SEC. 10, WASH. CONST. ART 1. SEC 29 , HCA provides late evidence but Deoid'e's life, liberty and property are being denied. Deoid'e asks this court to review this evidence and allow it under RAP 17.4(b) and RCW 34.05.562(1) – (d) with the option for the court to provide relief. Only this court may repair this situation but Deoid'e has already lost 5 years of her life, liberty and property that she will never regain. Deoid'e should be granted review per RCW 34.05.526.

Secondly, there is the issue of the 3/18/2013 hearing under docket # 07-2012-HCA-0109 (0109) where this matter was originally filed WAC 388-02-0070(1)(2)(3) agreed to be settled by all parties for efficiency and for unnecessary delays, WASH. CONST. ART. 1 SEC 10, as noted by the ALJ in the official transcript (Exh B), given under sworn testimony TR PGs 1-7. HCA attorney Kelly Clark (DR) concealed the appeal to the Planned action notice (PAN) TR PG 14 lines 21,22 PG 17 lines 18-21, PG 27 ln 2 PG 32 lines 1-2 dated 3/4/2013 on DDA client eligibility which she had received from the office of administrative hearings( OAH )within 4 days of filing pursuant to WAC 388-

02-0250 (Exh G). Administrative law judge (ALJ) Wagner also concealed the appeal with all parties sworn to testimony TR PG 18 lines 1-5, PG 37 lines 3-8 PGs 35, 36 all and PG 37 lines 1-6. ALJ Wagner did not record the entire hearing pursuant to RCW 34.05.449(4), WAC 388-02-0350 ,WAC 388-02-0512(h) which is revealed by her concealment of the time she turned on the tape(Deoid'e detected this fact) TR PG 5 lns 1-7( Exh B), the hearing began sharply at 11am, 40 minutes were left off the tape and during that time the HCA was denied 2 separate motions to continue the hearing which was to be ruled on by ALJ Wagner at the beginning of the hearing on 3/18/2013 and that an oath was administered at 11 am which is confirmed by an email( Exh C) from witness Rod Duncan DDA Supervisor, who also lied. Mr. Duncan's email dated 5/17/2013 confirms an oath was made on 3/18/2013 which exposes the DR perjury TR PG 27 line 2 that she was not under oath at hearing and that the appeal on this issue was not present, it also confirms in Mr. Duncan's words "maintained eligibility" that was to end on 4/1/2013. Duncan contradicts himself (Exh C, C1) in his letter dated 5/24/2013; he even indicted the AG who tried to conceal it in judicial review (Exh C2). The TR (Exh B) TR PGs 1-40) reveals disturbing patterns to deprive Deoid'e her due process rights on this 3/4/2013 DD client eligibility PAN, U.S. CONST. amend. IV, U.S. CONST. amend. V, U.S. CONST. amend. XIV, WASH. CONST. ART 1, SEC 2, WASH. CONST. ART 1, SEC 3, WASH. CONST. ART, 1 SEC 10, WASH. CONST. ART, 1 SEC 29, that indeed the appeal was properly filed for hearing on this day otherwise why would the DR, ALJ conceal the evidence of the appeal? Why would the ALJ conceal that she denied 2 motions to continue made by DR?

Or the time she started the tape? Concealment confirms that this matter was filed properly under 0109 but with denied continuances good cause was not found thus there was no cause to delay the hearing. The only way to buy DR more time was to conceal the appeal and lie about lack of jurisdiction; The DR concealed truth, (Exhs B, C3, C4, TR PGS 1- 40). DR filed the PAN dated 3/4/2013 on DD client eligibility under 0109 and directed a letter to hear the matter on 3/18/2013, the ALJ supported efficiency and agreed to hear the issues on 3/18/2013 Deoid'e agreed but disagreed on continuances which the ALJ sided with Deoid'e to avoid delay TR PGS 6-40(Exh B). The issues came down to a continuance or not at hearing on 3/18/2013 which 2 were denied right after the hearing began and that is where HCA met its doom, without a continuance order or a withdrawal by Deoid'e her right for unnecessary delay, her due process rights were denied, DR did not secure a continuance and she lost her gamble with prematurity, DR made extortion threats to use police intimidation against Deoid'e unless we agreed to continue the matters but that was also left off the tape. We ask that this court accept discovery denied to us until after our 12/15/2017 deadline for review by this court. This evidence will support acceptance for review by the Supreme Court and assist in relief by ending this grave irreparable harm that has been wrongfully placed upon Deoid'e. Public benefits cases demand due process U.S.CONST. amend. XIV, Deoid'e was deprived counsel, proper notice and impartiality.

**B. Without accepting this motion Deoid'e will continue to face grave irreparable harm by perpetually appealing an action now determined to be erroneous, that her time absent should have been determined**

**temporary, removing any further argument that remedies need to be exhausted, Deoid'e will face a gross miscarriage of justice because the court will not have the truth to decide the issues just as the lower courts who erred. Deoid'e was denied counsel before 5/20/2014 Exh D, D1.**

The constitutions are here to protect Deoid'e and others with developmental challenges, we ask in our motions that the court exercise its authority under RAP 17.4(b) to accept new evidence (Exhs A – G) per RCW 34.05.562(1) – (d) as it will assist Deoide's appeal for discretionary review in this court and that this evidence will support this courts acceptance for review filed on 12/15/2017. This motion will provide relief for Deoid'e; it will save her continued stress because this evidence contradicts actions taken on 3/4/2013 DD eligibility and the response brief dated 1/16/2018. This evidence conflicts with Court of appeals (COA) opinions under RAP 13.4(b) 2, 3, 4 , this evidence conflicts with every court action because the sole issue in 2013 was an allegation that Deoid'e was not a State resident in 2008, 2011, 2012 and 2013 which is no longer an issue. Deoid'e brings this motion pursuant to RAP 17.4(b) because she does not wish the Supreme Court to consider her request for review without this evidence provided to her late December 2017, after her 12/15/2017 filing deadline for a request for review by this court. This evidence provides irrefutable proof that she was indeed a State resident fully eligible for the State benefits the respondent claims she was not eligible for in its brief dated 1/16/2018 PG 3 Paragraph #1. The HCA has reviewed its case for accuracy after several internal complaints were filed in 2014 - 2017 which include the dates leading up to the HCA PAN dated 3/4/2013

alleging failure to meet the residency requirement. All Benefits were originally investigated as fraud (Exh A1), but HCA now determines that Deoid'e was eligible for benefits (Exh A), that she does not owe repayment based upon review. This includes all state benefits involved in this matter including DDA eligibility which depend on the exact same rules. There would be additional dates on this document in 2012 and 2013 if Deoid'e were not a resident during time of investigation on residency (Exh A 1), it's all the same. These documents are critical in this matter and should be considered in an emergency before review because it will heavily impact Deoid'e's case positively and save this court time, the court must have all facts before taking time on this. State benefits are provided only if you are a State resident who may be absent temporarily/intermittently, HCA has reviewed and determined Deoid'e should have been considered temporarily absent which protect benefits for Deoid'e by preserving her residency. The battle between HCA and the AG continues with Deoid'e in the middle apparently due to her simply attending school which is the real reason she was terminated. One must ask now if the action should have been taken since Deoid'e was a resident and if she should have had to appear at a residency hearing on 5/20/2014, keeping in mind that this evidence was not available until December 21, 2017. The argument is void because Deoid'e was a resident then why should argument continue? The argument over default is the same as arguing today if the world is still flat because we know the truth (now). This evidence is so overwhelmingly in favor of Deoid'e that spending time on this matter including the time of the good clerks and the justices is not well spent, including the AG,

the issue is residency and HCA says Deoid'e was a resident during this time even as it is 5 years late in its review. The case for RCW 34.05.534(3)(a)(b)(c) is properly the before court. Exhaustion of administrative remedies (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that: (a) The remedies would be patently inadequate; (b) The exhaustion of remedies would be futile; or (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies. However, the case is void, remedies need not be exhausted since a default is considered failing to exhaust remedies and that is not an issue now or should have been. Argument on failure to exhaust remedies to restore a hearing on a residency issue now invalidated by the HCA agency who initiated it in 2013 is pointless and futile. With this motion Deoid'e should be granted a waiver from exhausting remedies pursuant to the following RCW 34.05.534(3)(a)(b)(c) because there is no further requirement to complete. (3)(a) This court may relieve Deoid'e of the requirement to exhaust any or all administrative remedies upon showing that 5 years later the HCA has decided that she was a resident 5 years after it wrongfully terminated her DDA client eligibility dated 3/4/2013 vacating a default based upon residency now corrected would be inadequate because only the court may provide the proper relief since Deoid'e has been denied eligibility for 5 years (Exh E) and an order of retroactive eligibility reinstatement would be needed. Any hearings based upon residency would be inadequate and not provide proper relief to Deoid'e due to bias at HCA and OAH. (3)(b) 5 years later only

this court may provide proper relief to Deoid'e due to the futility of continued argument on an issue that is invalid, erroneous and false. HCA declares Deoid'e eligible as a state resident and has violated Deoid'e U.S.CONST. amend. IV, U.S. CONST. amend. XIV. Disabled persons receiving benefits may travel, be absent temporarily/ intermittently, *Shapiro v. Thompson, 394 U.S. 618 (1969)*, was a Supreme Court decision that helped to establish a fundamental "right to travel" in U.S. law. Although the Constitution does not mention the right to travel, it is implied by the other rights given in the Constitution. (Although the right was recognized under the Equal Protection clause in this case, pre-Fourteenth Amendment, the right to travel was understood as protected by the Privileges and Immunities Clause (Article IV), as a privilege of citizenship, and therefore might have been applied to the states under the Privileges or Immunities Clause of Amendment XIV, as J. Stewart wanted.) The ruling in the case invalidated state durational residency requirements for public assistance.(3)(c) Public policy for exhaustion of remedies, HCA did conceal this appeal on 3/18/2013 which does not support public policy on making Deoid'e go through double jeopardy U.S. CONST. amend. V, to maintain her benefits while the agencies violate her constitutional rights for due process U.S. CONST. amend. XIV, the HCA and ALJ were corrupt and partial to each other *Goldberg v. Kelly, 397 U.S. 254 (1970)* (3) (d). Deoid'e was denied counsel (Exh D, D1) (3) (b) Counsel need not be furnished at the pre-termination hearing, but the recipient must be allowed to retain an attorney if he so desires. P. 397 U. S. 270., U.S. CONST. amend IV, U.S. CONST. amend. XIV, WASH.CONST. ART. 1. SEC 2



**C. If this motion is denied, the lower courts opinions will remain as if they were not harmless beyond a doubt as all were denied this evidence. All lower courts erred in their opinions on remedies due to the evidence not being available until now. This includes the removal of the 21 day appeal notice 1/9/2014 by the ALJs and concealment of the appeal on 3/18/2013 by HCA and ALJs. Deoid'e will face a gross miscarriage of justice.**

Deoid'e has faced futility this entire time in which she tried desperately to direct the courts to investigate, remand for fact finding as to what the truth was and where her original appeal was and filed. It is futile to argue due to the facts that residency is no longer an issue because reinstating a hearing would only end in another debacle; OAH and HCA would cheat just as the TR pg 1-40(Exh B) reveals. HCA has found that Deoid'e should have been determined temporarily absent but still eligible as a State resident which is the only issue. Continuing to deny Deoid'e's Life, Liberty and property including this courts time is wasteful because the matter is void. RCW 34.05.534(3)(a)(b)(c) is very proper due to the grave irreparable harm this wrongful action has caused these past 5 years. These documents would have been critical during appeal but they were concealed until December 19<sup>th</sup> 2017. It would be highly likely that the case would have been reversed should this evidence have been available, the issue is residency and that is the only issue before this court. We ask that this court consider an expedited emergency motion to save time and stress because Deoid'e has been waiting nearly 5 years for this to be resolved and that the only relief available by the supreme court is to order a review and restore eligibility wrongfully terminated in

2013, or simply vacate the default and order a waiver of exhaustion of remedies. So much time has passed that there has been grave irreparable harm placed upon Deoid'e and that relief may only be provided by the courts order to vacate the COA decision to terminate review because it was not able to see this evidence, (Notation 1/4/2016 Exh F). The only relief now is to accept this evidence as part of the review request in the Supreme Court in which it will provide support for acceptance or end this harm. This evidence will provide immediate relief to Deoid'e as it corrects the actions of the 3/4/2013 PAN terminating her as a DDA client which was an error. DDA did not have the authority to terminate Deoid'e because she was a resident at that time, before even after; there is no case for the respondent to continue to defend a residency issue. HCA now confirms Deoid'e eligible before she was terminated, that she was never ineligible after the date on 3/4/2013. This evidence should be allowed and this motion granted to save time for all parties involved including the AG. HCA has corrected its actions, has the right to review cases for accuracy and has done so which contradicts the action dated 3/4/2013, Deoid'e could not remain eligible for these benefits while being terminated on 3/4/2013. Remanding the matter is futile because residency has been resolved, remanding this matter to any court would be inadequate because residency is confirmed for the petitioner who needs relief. The issue was whether Deoid'e was a State resident eligible for benefits or not but, according to HCA she was which makes the default allegation or any argument over non residency void and there is no issue that would benefit either party by vacating the default only to remand for a hearing on a residency issue that has been corrected by HCA. We

ask the court to grant our motions and if proper reverse the action that terminated Deoid'e in March of 2013 which lead to a hearing on 5/20/2014 that should never have been scheduled. RCW 34.05.562(1) – (d) allows evidence such as this because if this was provided to Deoid'e prior to hearings it would likely have changed the entire position of the judges (EXHs A – G). Deoid'e submits evidence as the TR (Exh B) pgs 1-40 from 0109 which took place on 3/18/2013 @ 11am. In every brief submitted to OAH, Judicial review, COA, this matter of the 3/4/2013 DDA client eligibility PAN, for efficiency was to be heard and it was mutually agreed by all the parties. The TR was cited many times but was never authorized by HCA to be TR (Exh B) until late 2017, it was not provided until after our 12/15/2017 review request and it is relevant here. RCW 34.05.562(1) – (d) allows this evidence to be considered because it places this residency issue PAN dated 3/4/2013 filed, not “misfiled”, for hearing under 0109 which was not continued. The HCA DR concealed the appeal filed by Necessary supplemental accommodation representative (NSA) Nancy Olson challenging this original action on 3/8/2013, which was timely to continue benefits but only after it was filed to secure a hearing on 3/18/2013, HCA DR knows better than to conceal evidence under oath. The TR pgs 5-39(Exh B) is disturbing due to concealment of the appeal which is exactly why we are here now, DR, ALJs each concealed the fact that the appeal was present and that there was indeed jurisdiction to hold a hearing on that matter. The TR (Exh B) was made under oath (Exh C) , the AG knew and the request filed properly but the ALJ concealed 40 minutes of the hearing which is why she conceals the time she began taping the hearing , RCW

9A.72.010(1)(2) (4),RCW 9A.020(1),RCW 9A.040(1),RCW 9A.050(1),RCW 9A.060,RCW 9A.070(1)(2),RCW 9A.080, RCW 9A.085 (1), RCW 9A.150 (1)(a)(b)(2) and (3),RCW 34.05.449(4) ,WAC 388-02-0350, WAC 399-02-0512(h)

**D. Without granting this motion, Deoid'e will continue to face grave irreparable harm by perpetually appealing actions that have been reviewed to be erroneous, wrong and that her time absent should have been determined temporary, intermittent. Deoid'e will face a gross miscarriage of justice because the DR, AG, the ALJs concealed evidence to avoid reviews, appeals, exposing truth during the remedies process.**

The COA erred not to fully remand for fact finding but it did not have this evidence at the time which would have resulted in remand into the true date this matter was heard which was 3/18/2013 and there was full jurisdiction to do so. This evidence is so overwhelming it must be accepted or Deoid'e will not be provided the relief only the court can order. HCA confirms all dates that could be considered as fraud are not and that Deoid'e was eligible. Continuing to argue if a hearing on residency should be reinstated is not in the public interest nor is it in the courts interest, Deoide's or even the respondent but we welcome that opportunity with an order to vacate. Remanding this case to OAH for a hearing is patently inadequate, futile because OAH, HCA, AG are biased against Deoid'e and the TR pgs 5-39(Exh B) reveals this prejudice. RCW 34.05.534 (3) (a)(b) and (c)allow the courts to relive the appellant under these provisions, (3)(a) The remedies would be patently inadequate, remanding or vacating the default would

only delay justice and place Deoid'e on a treadmill to nowhere which is where she has been since 2013 due to collusion and concealment. Why remand if it is not valid or should not have ever happened? HCA has corrected the residency issue which resolves the same issues taken by HCA on 3/4/2013. Vacating the default would do nothing but unnecessarily delay justice again for Deoid'e, not provide her relief of retroactive reinstatement of her eligibility. RCW 34.05.534(3) (b) arguing exhaustion of remedies would be futile, to argue issues now void would be futile, OAH, HCA the AG are biased against Deoid'e and the TR pgs 5-39(Exh B) is clear that she will never receive a fair hearing or due process again, she would face the same team of corruption that has stolen her constitutional rights for due process, deprived her of life, liberty and property, U.S. CONST. amend XIV, WASH. CONST. ART. 1 SEC 2, WASH. CONST. ART. 1 SEC 3, WASH. CONST. ART. 1 SEC 10, WASH. CONST. ART. 1 SEC 29. , how can she ever trust OAH or HCA again or the AG? It will be futile to send her back there and the TR (EXH B) reveals why this would be so. The DR and ALJs each concealed evidence RCW 9A.72.150 did interfere with an official proceeding and tamper with physical evidence. Each did make false statements/inconsistent statements throughout the official proceeding under sworn testimony RCWs 9A.72.010(1)(2) (4) , RCW 9A.020(1), RCW 9A.040(1), RCW 9A.050(1), RCW 9A.060, RCW 9A.070(1)(2),RCW 9A. 080, RCW 9A.085(1), RCW 9A.150(1)(a)(b)(2) and (3) at official proceedings that the appeal had not been received, was not present, that there was no jurisdiction to have a hearing that day on 3/18/2013 making the ALJs partial for deciding the issues in favor of HCA, U.S. CONST. amend. XIV,

*Goldberg v. Kelly*, 397 U.S. 254 (1970) (3)(d) The decision maker must be impartial, and, although prior involvement in some aspects of a case will not necessarily bar a welfare official from acting as decision maker, he should not have participated in making the determination under review. P. 397 U. S. 271. WASH. CONST. ART 1. SEC 2, WASH. CONST. ART 1. SEC 3, WASH. CONST. ART. 1. SEC 29. Deoid'e was given a hearing on this matter on 3/18/2013, all parties agreed for efficiency and to avoid delay to hear this matter on 3/18/2013 which was supported by ALJ Wagner TR (Exh B) PG 6 ln 8-25.

(3)(a) A pre-termination evidentiary hearing is necessary to provide the welfare recipient with procedural due process. Pp. 397 U. S. 264, 397 U. S. 266-271.

Deoid'e appeared on 3/18/2013 on this residency termination action that is now void, her NSA filed a timely hearing request that did continue her benefits but HCA; ALJ did conceal her true and original appeal. The hearing was provided, held, the appeal was filed properly which only requires the first page to be stamped, the appeal was filed in whole (Exh G PGS 00013-00016) in one submission which maintains filing of both the PAN dated 3/4/2013 and the hearing request, because the top page, page1 is stamped by OAH all are filed together and filed against the PAN dated 3/4/2013 filed by HCA under 0109 with its evidence on residency including the 3/4/2013 PAN. The TR pgs 5-39 (Exh B) reveals and exposes the plot to conceal the appeal so HCA would have more time to confuse the process. Deoid'e was denied access to Home and Community Services homecare program on 3/26/2013 (Exh E) due to DR, ALJ lies, HCS contacted DDA who told HCS that DDA had not terminated Deoide's eligibility

which in fact confirmed a filed hearing request on 3/8/2013 (Exh G ). Deoid'e was deprived property from HCS (homecare) and only this court may repair this.

U.S.CONST. amend . XIV, WASH.CONST. ART. 1, SEC 2

**E. Granting this motion for Deoid'e will restore deprived life, liberty and property over an issue where exhaustion of remedies is no longer required. Deoid'e was eligible for all programs but the agencies engaged in corruption, concealment violating due process and refusing Deoid'e access to her client files so she could not discover this collusion. Granting this motion will provide relief denied in March of 2013 by restoring eligibility stolen from Deoid'e who was eligible for both care programs. Deoid'e will encounter a gross miscarriage of justice due to concealment by HCA, OAH and DDA who worked together to prevent Deoid'e access to HCS COPES on 3/26/2013. Only this court may provide relief since so much time has passed due to concealment by HCA who created confusion intentionally to deprive life, liberty and property. Deoid'e was fully eligible for both long-term care programs but HCA sabotaged her appeals, denied her access to either. The agencies awarded themselves a "blanket out" and that is not constitutional.**

COA gave its opinion to partially remand for fact finding into whether Deoid'e was eligible for continued benefits during her appeal due to alleged error by the ALJ who alleged she did not have proof that the appeal was filed timely on 3/8/2013. Later COA reversed its opinion and replaced it because the error was harmless which it really was not, it conflicts with itself RAP 13.4(b) (2). Clearly

the HCA has erred, COA also erred because it did not have this evidence at the time it took action to give its opinions nor did it have the TR (Exh B) revealing as to why the appeal was not available. Just as COA was prepared to remand should this matter not be remanded back for fact finding into the validity of residency? No, HCA clearly states that time in question should have been determined as temporary that preserves eligibility for all state benefits including DDA. This matter should be vacated in favor of Deoid'e, an order for full DDA client eligibility reinstatement with retroactive award. This evidence conflicts with the COA opinion to remand for fact finding based upon an error by the ALJ and COA was prepared to remand but falsely sided with the AG that the appeal was "misfiled" which is impossible. Duncan's email exposes the AG who was informed to this on 5/17/2013 (Exh C,C2), only the 1<sup>st</sup> page of a filed document is to be stamped WAC 388-02-0070(1)(2)(3) one or one thousand may be filed but only the top page or first page is to be stamped which is filing. NSA submitted all 4 pages in one filing to OAH, filed on 3/8/2013 in one submission on 3/8/2013 by OAH under 0109, they were all submitted in one action (4 pages Exh G) every clerk will tell you that only the 1<sup>st</sup> page needs to be stamped to be filed by the courts or OAH, that all the rest filed at the time are filed with that page and must be filed as one (Exh G, PGS 00013-00016). This confirms the appeal was rightfully filed under 0109; COA confirmed was filed in time to secure continued benefits which cannot happen until the date and time of hearing is cited, filed under a case which it is on the first page LAW 3/18 @ 11am upper right-hand corner. The original PAN was filed on 3/6/2013 by DR 2 days before on the NSA



appeal was filed by OAH on 3/8/2013, then filed for hearing on 3/18/2013 @ 11am (LAW) for ALJ Wagner and a copy filed with DR, WAC 388-02- 0250(1) no later than 4 days( Exh G, 00013-00016). DR filed her actions; evidence and motion letters (Exh G) to add this related residency PAN to 0109, with OAH and Deoid'e 3 weeks before hearing, asking to add the matters for efficiency but failed to secure a continuance after filing her PAN dated 3/4/2013 under 0109. DR had no choice but to conceal the appeal on 3/18/2013 or lose her case TR Pgs 5-39. These acts against a vulnerable adult under oath at official proceedings are unconstitutional, look at the mess it has created for Deoid'e.( Exh B) TR pg 5-39 tells no lies, the DR, ALJs committed gross misdemeanors to conceal evidence, interfere with official proceedings, illegal delay for administration of justice which our AG colluded in. These are serious actions against Deoid'e, her constitutional rights, all evidence is relevant, and this evidence would have had and will have a major impact in this matter. Deoid'e should have a waiver from further exhaustion of remedies. The appellant is a defendant and she must be allowed to defend her life, liberty and property. The appellant's evidence need only be relevant to be admissible, State v. Darden, 145 Wn. 2d 612, 622, 41 P.3d 1189 (2002). "(I) if relevant, the burden is on the state to show the evidence is so prejudicial as to disrupt the fairness of the fact-finding process at trial." Jones, 168 Wn.2d at 720 (quoting Darden, 145 Wn.2d at 622). The next evidence was not in existence until December of 2017 which could not be considered therefore, The denial of the right to present a complete defense is constitutional error, Crane, 476 U.S. at 690; jones, 168 Wn.2d at 724. Constitutional error is presumed

prejudicial and the state bears the burden of proving the error was harmless. State v. Miller, 131 Wn.2d 78,90, 929 P.2d 372 (1997).“The presumption may be overcome if and only if the reviewing court is able to express an abiding conviction, based on its independent review of the record that the error was harmless beyond a reasonable doubt that is, that it cannot possibly have influenced the jury adversely to the defendant and did not contribute to the verdict obtained.” State v. Ashcraft, 71 Wn. App. 444, 465, 859, P.2d 60 (1993). Constitutional error is harmless only if this court is convinced beyond a reasonable doubt any reasonable trier of fact would reach the same result absent the error and “the untainted evidence so overwhelming it necessarily leads to a finding of guilt.” State v. Easter, 130 Wn.2d 228, 242, 922 P.2d. 1285 (1996).

#### IV. CONCLUSION

Deoid'e asked the courts to remand for fact finding but they refused. This Emergency motion will stop a gross miscarriage of justice, save time for Deoid'e, the good clerks and Justices. This motion reveals truth hidden for 6 years which relief may finally be provided to Deoid'e. This motion will restore constitutional rights, give back life, liberty and property to Deoid'e that HCA deprived her of. Please grant her motions so she can go back to school, Deoid'e cannot go to school without a caregiver. Deoid'e was eligible for HCS, DDA on 3/26/13 but HCA sabotaged all efforts so they could deprive life, liberty and property by concealing that her appeal was indeed filed for hearing properly on 3/18/2013.

Please grant Deoide's motions.

Deoid'e L. Cunningham, appellant

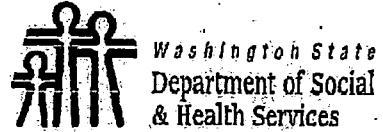
Karl Ivan Olson caregiver 28 yrs

*Deoide L Cunningham*

**EXHIBIT A..... 1 PAGE**

- 1. 2017 REVIEW OF RESIDENCY FOR ACCURACY BY HCA**

MOUNT VERNON CSO  
PO BOX 11699  
TACOMA WA 98411-6699



Phone #  
TTY/TDD # 800-209-5446  
Toll Free # 877-501-2233

12/18/17

Client ID # 002713278

DEOIDE CUNNINGHAM  
2714 J AVE  
ANACORTES WA 98221-3835

Dear DEOIDE L CUNNINGHAM

We sent you a letter on 04/03/17 to let you know you were overpaid for the following benefits:  
( ) Cash ( ) Food (X) Medical.

This is to let you know about a change.  
( ) The type of overpayment has changed.  
(X) The amount of the overpayment has changed.

Month/Year	Amount Paid to You	Amount You Should Have Been Paid	Total Overpayment
10/2008	\$766.78	\$766.78	\$0.00
09/2011	\$121.95	\$121.95	\$0.00
10/2011	\$121.95	\$121.95	\$0.00
11/2011	\$121.95	\$121.95	\$0.00
12/2011	\$121.98	\$121.95	\$0.00

Month/Year	Amount Paid to You	Amount You Should Have Been Paid	Total Underpayment

Total: \$0.00

Your overpayment amount has changed because:

IN OUR LETTER FROM 4/3/2017 WE INFORMED YOU ABOUT MEDICAL ASSISTANCE OVERPAYMENT FOR 10/2008 AND THE PERIOD 9/2011-12/2011 IN THE TOTAL AMOUNT \$1254.58.

YOU CASE WAS REVIEWED FOR ACCURACY. THE DEPARTMENT DETERMINED THAT YOU ABSENCE FROM WASHINGTON STATE DURING THE PERIOD IN QUESTION SHOULD BE CONSIDERED TEMPORARY, HENCE THE MEDICAL OVERPAYMENT HAS BEEN MODIFIED TO \$0.

APPLICABLE RULES: WAC 388-468-0005(11)(version 2008-2011).

EXHIBIT A1.....4 PAGES

2. COMPLETED APRIL 14<sup>TH</sup> 2014 FRAUD REPORT ON RESIDENCY

DID NOT lose residency  
Now temporary out of state 12/18/17.

EXH A I



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Office of Fraud and Accountability  
MS: 45817 • PO Box 45817 • Olympia WA 98504-5817  
(360) 664-5588 • FAX (360) 664-0032

Residency Report

### INVESTIGATION REPORT

Case Name:	CUNNINGHAM, DEOIDE Client ID 2713278
Investigative Activity:	Living out of state L0000019599
Investigator:	D. Prather
Date:	April 14, 2014

On 07/16/13, the Office of Fraud and Accountability received a hotline tip, in reference to DEOIDE (AKA GEORGIA) CUNNINGHAM and her boyfriend/caregiver/husband KARL OLSON. The caller advised that for the past 3 years, CUNNINGHAM had been living in California and attending college, while receiving assistance benefits from Washington State. OLSON was reportedly living with her in California, and working as her full time care-giver. The hotline referral was converted to a FRED, and assigned to Investigator Dina Townsend.

Through the investigative process, Townsend learned that Medicaid was currently investigating OLSON for COPEs Fraud (SSPS Provider # 379372). Craig BROTT, the Medicaid Fraud Investigator conducting the investigation, provided Townsend with documentation that supported the allegations provided from the hotline referral.

The documentation provided to Townsend established the following facts:

CUNNINGHAM and OLSON participated in a "Commitment Ceremony" in Mount Vernon, Washington on 04/13/1990. This ceremony was sanctioned by the Universal Life Church, and no legal documents were filed with Skagit County or the State.

OLSON has been CUNNINGHAM'S COPEs care giver since 1992.

CUNNINGHAM has been living in California and attending Argosy College in San Diego.

OLSON has had Power of Attorney over CUNNINGHAM since July 28, 2008.

EBT transaction history revealed continuous use of CUNNINGHAM'S EBT card in California over the period of 08/14/08 through 10/12/08 and 07/24/11 through 01/14/12

Did NOT Lose Residency

I contacted Monica STURGES, who is the owner/landlord of the property located at 4460 Rolando Blvd, San Diego California. STURGES lives in the upper unit, and confirmed that CUNNINGHAM and OLSON were her tenants with a lease agreement, living in the lower portion of the property during the period(s) of time in question.

*On 09/18/13, I received a letter and copy of the lease agreement for CUNNINGHAM and OLSON for an apartment leased in San Diego, signed on 05/11/12.*

→ DSHS records show that CUNNINGHAM has been a WASHCAP client with DSHS since 11/21/02. CUNNINGHAM is receiving SSI Adult Child benefits and SSI benefits.

On 09/06/13, I met with BROTT, who provided copies of the search warrant and affidavit that he had written in order to obtain CUNNINGHAM's college transcripts and records. BROTT told me that he had spoken with the Dean of ARGOSY College. The Dean remembered the pair "very well" and commented that "OLSON accompanied CUNNINGHAM wherever she went." BROTT had obtained a copy of a blog authored by CUNNINGHAM, documenting her stay in California and education efforts.

[1N]

[1N]

On 09/13/13, I contacted SSA Special Agent Scott HENDERSON regarding CUNNINGHAM and OLSON. HENDERSON stated there had been a complaint filed with SSA in February 2013, from OLSON's DDD case resource manager, Norma GARZA. GARZA observed CUNNINGHAM and OLSON'S actions during yearly assessments. Her ability to perform ADL and IADL tasks have been reported to DDD as needing full physical assistance due to heavy seizure activity and other complicating medical conditions. At the yearly assessment completed on 2/24/12 CUNNINGHAM fell asleep on the couch and did not answer any questions related to the level of support she requires for ADL-IADL tasks. Her lack of participation in the assessment process has been of concern for several years with DDD. All information for the assessment has been obtained through her personal care provider, OLSON.

→ On 12/27/12 DDD discovered an online student profile from Argosy University stating CUNNINGHAM attended Argosy University Seattle from 2009-2011 and then transferred to Argosy University of San Diego in 2011. DDD is concerned of potential fraud due to the

Temporary Dose NOT Lose Residency

discrepancy between the reported level of support required to assist CUNNINGHAM daily with ADL-IADL tasks at her annual assessment for personal care services and the level of independence evidence through her attendance at both Argosy University Seattle and San Diego and statements on her online profile. DDD has requested but not been given consent from CUNNINGHAM to obtain medical records from her current medical or mental health providers.

On 10/24/13, BROTT and I interviewed CUNNINGHAM and OLSON at their "home" located at 2714 "J" Ave, Anacortes, WA. BROTT interviewed OLSON on one side of the room, while I interviewed CUNNINGHAM on the other. I advised CUNNINGHAM of her Miranda Warnings. CUNNINGHAM verbally acknowledged that she understood her right, and agreed to speak with me. She initialed and signed the waiver form.

During the interview CUNNINGHAM would answer questions that were presented to her, occasionally asking OLSON to answer for her. At one point, she answered questions posed to OLSON by BROTT. She did not appear to have any problem tracking the conversation that we were having, while monitoring the dialogue between OLSON and BROTT.



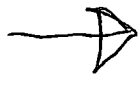
CUNNINGHAM denied attending any classes in California, and stated that she only attends college courses on-line. CUNNINGHAM has earned an Associates of Arts degree from Skagit Valley College in 2006, A BA in Psychology from Argosy University - Seattle campus with a 3.98 GPA in 2011 and a BA in Psychology from Argosy University - San Diego in 2012 with a 4.0 GPA. In her blog she also wrote she volunteered at San Juan Rehabilitation and Convalescent Center in 2006; joined the Argosy University Psychology Club in San Diego in 2011 and volunteered for the San Diego Homeless Veteran's Stand Down on July 16-17, 2011. She also has applied for a Master's Program with Argosy University. When asked how the schooling was paid for CUNNINGHAM stated Fannie Mae and OLSON stated PEL Grants and student loans.

CUNNINGHAM stated she wanted to marry OLSON but could not because he is her caregiver. Therefore, the couple had a commitment ceremony instead. OLSON added that they consider themselves common law married and present themselves as man and wife. They have been together 23 years, but did not know until recently that they were not "legally" married.

Lie →

I asked her about an Application for Benefits submitted on 03/20/13, requesting assistance for the two of them. On the application, OLSON commented, "can you call us soon? we need help badly. Deoide and I consider ourselves common law married, but we are not legally married in the eyes of the state. we are in a relationship almost 23 years.". OLSON stated it was a mistake that he completed the application, but they can't be married for the COPES program and as a result of that and his termination as her COPES provider they have requested a fair hearing (set for May 20, 2014)

3/18/13  
ALT  
Wagner



I asked CUNNINGHAM about the EBT card usage, OLSON interjected that they only have 1 card, and he does all the shopping. OLSON stated the food he purchases is only for CUNNINGHAM. CUNNINGHAM added that she does not go with him, she cannot walk much.

*Still photographs obtained by Investigator Townsend from Wal-Mart show CUNNINGHAM shopping with OLSON on several occasions, without a wheel chair or assistance.*



Reviewed for accuracy 12/18/17.

I asked CUNNINGHAM about the subsidized apartment leased to her in Mount Vernon. OLSON again interjected, stating that he stayed there because he was her 24 hour care giver. He commented that essentially, he lived there; but did not live there. CUNNINGHAM moved into the house in Anacortes with OLSON after her HUD housing was terminated in 2012.

→ I asked CUNNINGHAM to explain the EBT usage in California. Neither CUNNINGHAM nor OLSON could explain how the card had been used continually for over a year, when they were not in California. CUNNINGHAM declined to write a statement.

→ On 12/18/13, I spoke with STURGES on the phone to verify if CUNNINGHAM and OLSON had maintained occupancy of the downstairs apartment. STURGES advised the apartment was occupied by them until 12/18/13; they had just given their notice to move. STURGES stated they had lived in the apartment while CUNNINGHAM was attending college. STURGES stated CUNNINGHAM told her they had to move, because she was a citizen of Washington.

Renee PELLETIER, OFA Quality Control Specialist calculated the overpayment for medical premiums paid, in the amount of \$1,254.58. PELLETIER advised that while people who are not residents of Washington are not eligible for food assistance from Washington, we have to determine how benefits would have changed if they reported their changes as required. WASHCAPS rules state a client is required to report their changes to the Social Security Administration only. So without an SSI overpayment, we cannot determine if there is a food overpayment.

I am recommending the criminal portion of this case be closed, and the overpayment is pursued via IPV hearing. My reasons are as follows:

CA.

- 1. The overpayment amount is only \$1254.58, for medical while in California.
- 2. Documentation with DDD has CUNNINGHAM as being unable to care for herself and requiring 24/7 care, they also have their concerns she is feigning her disability but like SSA it is difficult to prove.
- 3. CUNNINGHAM would not be, in my opinion, a good candidate for trial.

All documents related to this investigation have been scanned into FCMS for preparation of an IPV hearing.

Under penalty of perjury under the laws of the State of Washington, I certify the foregoing is true and correct to the best of my knowledge and belief. Signed and dated by me this 16<sup>th</sup> day of April 2014, at Mill Creek, Washington.

\$1254.58

Debra L. Prather  
Criminal Investigator III

Temporary absent

Does NOT OWE  
DID NOT LOSE  
Eligibility

EXHIBIT B.....40 PAGES

3. OFFICIAL TRANSCRIPT OF 07-2012-HCA-0109 HELD UNDER  
OATH/SWORN TESTIMONY ON MARCH 18<sup>TH</sup> 2013, @ 11AM  
WITH ALJ LESLIE A. WAGNER

BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE HEALTH CARE AUTHORITY

---

IN RE:	)	
	)	
DEOIDE CUNNINGHAM,	)	DOCKET NO.: 07-2012-HCA-0109
	)	
APPELLANT.	)	
	)	
	)	
	)	

---

VERBATIM REPORT OF PROCEEDINGS  
(FROM TAPED PROCEEDINGS)

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BE IT REMEMBERED that the foregoing proceedings were taken from the hearing in the above-referenced matter heard on March 18, 2013, before Administrative Law Judge Leslie Wagner.

The Appellant, Deoide Cunningham, was represented by Karl Olson.

The Department was represented by Kelly Clark.

Proceedings Transcribed by: Marisa Walker

WHEREUPON, the following proceedings were had and done, to  
wit:

EXHIBITS

ID   AD   REJ

None admitted.

WITNESSES

Pages

Colloquy, pages 5-39.

Time?

1 JUDGE WAGNER: All right. I've turned on the  
 2 recorder, and we're on the record in the matter of Deoide  
 3 Cunningham, an administrative proceeding for the Health  
 4 Care Authority. The Docket Number is 07-2012-HCA-0109. It  
 5 is Monday, um, March 18, 2013. My name's Leslie Wagner.  
 6 I'm the Administrative Law Judge assigned to this case, and  
 7 I'm at my office in Seattle.

8 Appearing by telephone on behalf of Deoide Cunningham  
 9 is her representative, Mr. Karl Olson. Appearing my  
 10 telephone on behalf of the Health Care Authority and the  
 11 Developmental Disabilities Administrations, formerly  
 12 Division of Developmental Disabilities, is Ms. Kelly Clark.  
 13 And, um, also, with Ms. Clark, Ms. Norma Garza, and Mr.  
 14 (Inaudible) Duncan, and Ms. Robbie Rigby.

ROD  
DUNCAN

15 Today is scheduled a hearing on the Hearing Request  
 16 made on behalf of Ms. Cunningham in response to a Notice  
 17 Terminating Waiver Services, as I understand it. And, um,  
 18 preliminarily, I wanted to address the fact that the  
 19 Department had asked for a continuance of the hearing, and  
 20 I had denied that. I, uh -- the hearing today. You, uh --  
 21 you'd requested it, Ms. Clark, at the prehearing, and I  
 22 denied, and then you -- you renewed you request because,  
 23 um, the Department is -- has issued another Notice, as I  
 24 understand it, to Ms. Cunningham, just terminating, uh,  
 25 eligibility, is that right?

3/4/13  
PAN

1 MS. CLARK: The Notice Terminating Eligibility also,  
2 uh -- uh, notifies termination of services, so the -- that  
3 -- that Planned Action Notice encompasses more than what  
4 today's Planned Action Notice hearing is about.

5 JUDGE WAGNER: Right. Today's Planned Action Notice  
6 relates to waiver services, correct? Lie

7 MS. CLARK: Correct. Lie

8 JUDGE WAGNER: Okay. Um, I felt that we needed to go  
9 forward, um, and could go forward, and I didn't want to put  
10 off -- and miss -- Mr. Olson had expressed -- um, he did  
11 not want this matter continued, and so given that, and  
12 given that the matter has been pending quite some time, um,  
13 and I think the difficulty of getting things scheduled, and  
14 agreements to getting things scheduled, et cetera, that I  
15 did not see the -- the reason, while it might be more  
16 efficient, the whole thing in one proceeding, I didn't  
17 think that we were prohibited, or there was any reason not  
18 to go forward today, um, with the parties' understanding  
19 that if there is a hearing request made on the -- the  
20 termination of, um, eligibility and services, then there  
21 would -- you know, there would be another hearing, uh,  
22 likely with another judge, but I felt that we could go over  
23 today on the waiver services.

24 Um, and so I just wanted to explain that. Um --

25 MR. OLSON: Your Honor?

FALSE

ALTS  
Lied



1 JUDGE WAGNER: Yes?

2 MS. CLARK: I, um -- I -- I will be, um, making a  
3 record renewing that motion based upon additional  
4 information we just got last Friday. Um, but I -- I -- I  
5 understand -- I -- I do understand the basis for your  
6 denial of that motion, um -- uh, at the prehearing and the  
7 motion hearing.

8 JUDGE WAGNER: All right. Well, are you -- so you --  
9 if you're going to bring a motion, I guess you should bring  
10 it now.

11 MR. OLSON: Well, Your Honor, as you have seen from  
12 the exhibits, um, a couple of things. In our hearing on  
13 March 4<sup>th</sup>, um, Mr. Olson represented that he had a -- a  
14 number of records since December, uh, and keep, uh, being  
15 available to, uh, DDD, and specifically to Ms. Garza, the  
16 case manager. Um, you had, uh -- we had asked if we could  
17 come pick them up, and we agreed that we can come back --  
18 come over the next day between a certain time to pick those  
19 records up.

20 And then later that same day of the motion hearing,  
21 you -- your office was notified, and I was notified that  
22 Mr. Olson delivered them to the, um, Mt. Vernon DDD office  
23 and scanned them, and sent them to -- or that -- that they  
24 had been scanned and sent to Ms. Garza. That was on the  
25 afternoon of March 4<sup>th</sup>. Uh, you probably have noticed, um,

1 that those consent forms, which is Department Exhibit 4-2,  
2 are not records that were in existence back in December of  
3 2012, as Mr. Olson referred to them, but they are consent  
4 forms that are signed that very day of the motion hearing.  
5 And you'll note that they were for a very, very limited  
6 time. Actually, they expired today.

7 We got, uh, most of those records on Friday, um, have  
8 not had a chance to inquire further, and we don't have an  
9 opportunity, based on those consent forms, to inquire after  
10 today. Um, so -- and those -- and the medical records that  
11 we can see are going to require discussion about, uh -- as,  
12 uh -- about, uh, Deoide -- I'm going to refer to it as  
13 Deoide's actual health and DDD care assistance needs. And  
14 without the ability to inquire further with these limited  
15 consents, our efforts are -- are, uh -- we're kind of  
16 hamstrung. These records, given that they were ordered to  
17 be provided, um -- and with the intention of their being  
18 used for this hearing, we -- we haven't been able to -- to,  
19 um, (Inaudible) as exhibits to you.

20 JUDGE WAGNER: But how did that -- I mean, I guess --  
21 well, uh, several things. One, did -- when the notice was  
22 issued way back when, you must have felt that you had the,  
23 you know, information necessary to support it. Number --

24 MS. CLARK: The information necessary that they had  
25 not supplied access to her physicians, and that they were

1 not cooperating with implementing the -- the waiver service  
2 plan.

3 JUDGE WAGNER: Okay. But you're also saying that she  
4 -- that she's not a resident of Washington, correct?

5 MS. CLARK: We are not specifically -- specifically  
6 requesting that no finding of fact -- if this proceeds to  
7 hearing today -- that no finding of fact as to her legal  
8 residency be made. Um, we have included, uh, some of the  
9 records that -- that tend to show that she has been  
10 pursuing an education both in and outside of this state for  
11 the sole purpose, if we go to hearing today -- for the sole  
12 purpose of it relating to witness credibility. So we -- we  
13 are not asking you to make a finding of whether she was a  
14 resident, or making a finding as to where she was on any  
15 given period of time, just that it appears inconsistent  
16 with anything that we were aware of before, and it does  
17 have some impact on -- in terms of credibility and evidence  
18 regarding her actual, um, personal care assistance needs.

19 So what I'm -- I guess I'm asking, Your Honor, these  
20 records are important. If -- if the issue is -- and maybe  
21 you -- you can -- you can further identify your thinking in  
22 -- in -- in this light, but this is a termination of  
23 services. Waiver and waiver services based on upon, um,  
24 388-845-0060(1). Uh, sub -- (h), "The refusal to cooperate  
25 in service planning, quality assurance, and monitoring

1 activity, and accepting services agreed to in the ISP as  
2 necessary to meet health and welfare, uh, needs." Um,  
3 although that same (l) has a (g) that, um, she does not  
4 make herself available for annual assessments, um, she made  
5 herself available for the last assessment that has ever  
6 occurred, and that was February of 2012, on which we had a  
7 hearing last June.

8 We have not -- based upon -- her new annual assessment  
9 is past due, and we do not whether -- know whether they  
10 would agree to schedule that annual assessment or not.  
11 Regardless of whether this hearing is pending, or is heard,  
12 she remains eligible for her -- um, her waiver services,  
13 um, just not through Mr. Olson at this point, and that's a  
14 separate hearing, and that's pending a -- a decision. So  
15 she -- she's still eligible to receive waiver services, but  
16 even if, um, this hearing wasn't until December, and she  
17 continued to be eligible to receive her services, she would  
18 still have to have an annual assessment, according to the  
19 rule. And so --

20 JUDGE WAGNER: I guess I'm just wondering what -- I  
21 mean, what you don't have today to put forth to support  
22 your position that you think setting the carrying over  
23 until a later date is going to give you. If -- if the  
24 consent is only good through today. I mean, I guess I'm  
25 just not understanding what is going to be accomplished by

1 putting this off.

2 MS. CLARK: Well, and -- and, uh, maybe I'm making an  
3 offer of proof that Ms. Garza and Mr. Duncan can both  
4 confirm that part of -- of the -- the -- the regulations  
5 require an annual -- at least an annual assessment. It  
6 also requires the person to cooperate in monitoring that,  
7 um -- uh, service plan, and to be able to have access for  
8 that waiver year to coordinate, and get information from,  
9 uh, medical professionals dealing with a client, and there  
10 will be test -- there would be testimony that that is a  
11 routine thing that we -- people on the -- the --  
12 (Inaudible) the waivers, they do the annual assessment, and  
13 additional assessments as necessary, but they also provide  
14 a, uh, release for medical information for that waiver  
15 year. Uh --

16 JUDGE WAGNER: So I -- I -- I understand your  
17 position, but I guess I'm wondering like why can't you both  
18 -- what is it that continuing the hearing today -- I -- I'm  
19 not understanding, and I -- I mean, I'm not saying -- you  
20 know, like a point -- I just don't understand why  
21 continuing this hearing on the waiver service issue for the  
22 basis of lack of cooperation, what setting this hearing  
23 over is going to get -- I mean, what -- what there is out  
24 there that you can't provide to me today in that regard.

25 MS. CLARK: I can tell you what's in the medical

1 records, and I can tell you that we're limited -- I -- I  
2 can tell that what's in the medical records are sufficient  
3 to cause some concern as to whether our annual assessments  
4 of recent years have any basis in fact. I can tell you  
5 that -- that, um -- uh, I spoke to Dr. Whitehead (phonetic)  
6 on Friday afternoon, after perusing the records that we got  
7 Friday afternoon, and that based on what we see in the  
8 records, that it would be irresponsible for the Department  
9 not to follow up with these providers, uh, in further --  
10 well, let me -- let me phrase it this way. It would be  
11 irresponsible not to follow up with them, but here's what  
12 makes this whole hearing unnecessary. All they need to do  
13 is schedule an annual assessment with their case manager,  
14 and sign a release for medical information so that for the  
15 waiver year, they can, um, coordinate and participate, uh,  
16 in ensuring that what services we are paying for, um, is  
17 appropriate.

18 JUDGE WAGNER: Well, I understand that's your  
19 position, but it has -- but your position is also that that  
20 hasn't happened, and so why wouldn't we go forward today?  
21 I mean, I guess I just want (Inaudible) saying -- you're  
22 pretty clear -- have been pretty clear that, um, in the  
23 prior prehearing (Inaudible) that there's a lack of  
24 cooperation, and that lack of cooperation is a basis, as I  
25 understand it, to terminate the waiver services.

Clark  
Confirms  
Hearing.

1           MS. CLARK: So your decision, when you write it, and  
 2           send it out after today's hearing, will accomplish when  
 3           Decoide and Karl agree to the annual assessment, and agree  
 4           to cooperate in terms of having, uh -- uh, a full waiver  
 5           here -- consent form. It renders any decision moot. It  
 6           renders this hearing pointless. If they -- even if right  
 7           up until now they say, "I won't cooperate." You make a  
 8           determination when you send out your decision in a month.  
 9           By then they may have cooperated, and it makes this whole  
 10          thing moot.

Where  
is  
the  
Denial?  
2 were  
Denied.

11           On the other hand, I'm asking for a continuance -- I'm  
 12           renewing the motion for continuance because of the late  
 13           disclosure of records that you order and agreed we had a  
 14           right to. I'm asking for that renewal based upon the  
 15           information that's in them, and the need to have a more --  
 16           um, a broader consent that is consistent with what a case  
 17           manager needs, and agreement by, uh, Mr. Olson on behalf of  
 18           -- acting as agent for Decoide to agree to those two things.

19           JUDGE WAGNER: But I guess what I'm saying is we  
 20           talked about that before. If he's not willing to do that,  
 21           then isn't that the end of the story? I mean --

22           MS. CLARK: Until after the -- until after the  
 23           hearing, then he agrees to do that, and --

24           JUDGE WAGNER: Well, I know, but that's purely  
 25           speculative. I mean --

after  
Hearings

1 MS. CLARK: I'm not saying this doesn't have any -- it  
2 doesn't have any -- it doesn't have any, um, effect after  
3 this hearing, and after -- it doesn't have any effect after  
4 this hearing, because they could turn right around and  
5 cooperate, and there's no problem.

6 JUDGE WAGNER: Okay, but --

7 MS. CLARK: (Inaudible). So what I'm saying is that  
8 we can have a hearing, and then they'll change their minds.  
9 So I just want to point out how many times that you're  
10 aware of, having been the ALJ in a couple of matters now,  
11 that there have been hearings requested, failures to  
12 appear, reinstatements, assessments scheduled, assessments  
13 canceled. I just -- I -- I --

ALJ  
conceals  
she  
was  
it.

14 JUDGE WAGNER: Well, I -- I mean, I know -- I sense  
15 your frustration, but I -- I don't see how not having a  
16 hearing is going to -- if -- if -- if the Appellant and/or  
17 her representative are not so inclined, how not having a  
18 hearing is, you know, going to put -- you know, move the  
19 process forward. It seems that really the critical Planned  
20 Action Notice is the one that was issued last week, or the  
21 week before that has not -- for which -- to my knowledge,  
22 we have not received a hearing request.

OLSON  
confirms  
Filing  
3/4/13  
PAN  
Appeal

23 MS. CLARK: Uh, Mr. Olson has confirmed to Ms. Garza  
24 that he did send in that paperwork, or is going to send in  
25 that paperwork. One doesn't know which, but he confirmed



Clark  
Lies  
she  
Has it.

1 that they received it, and they are requesting it. And  
2 that's why I've been calling your office daily almost. I'm  
3 sorry for bugging them, but, uh, to determine whether or  
4 not that has been. Your Honor, that is a, um -- the issue  
5 for us is we have a hearing that I -- I -- I've been  
6 preparing for it for some time. We've got new information  
7 that you don't have that need to become exhibits, but --  
8 but that also, if they don't agree to extend the consent,  
9 um --

10 JUDGE WAGNER: Okay. You -- so --

11 MS. CLARK: (Inaudible) the hearing, or not, so you  
12 say, "No, they weren't cooperating," they could suddenly  
13 cooperate, and then we're back at, you know -- it -- it  
14 just seems that --

15 JUDGE WAGNER: This seems like a very circular  
16 argument because if it -- I mean, if they're not going to  
17 consent, they're not going to consent. If they're inclined  
18 to consent after being -- I mean, I -- I just don't  
19 understand what exhibits you have that I -- are necessary  
20 and relevant to this hearing, and if you do have something,  
21 then you could -- I'll consider, um, keeping the record  
22 open for that to be submitted post hearing, um, but I'm not  
23 -- I just --

24 MS. CLARK: Well --

25 JUDGE WAGNER: Let me hear from Mr. -- I mean, I guess

1 I don't exactly understand what it is that you have in  
2 exhibit form that you just got on Friday that is so  
3 important that I see.

4 MS. CLARK: Uh, medical records, Your Honor, that --  
5 that, uh, establish, um, for the last year -- medical  
6 records from several providers that are going to be  
7 important in determining services that are important in  
8 terms of evidence as to both credibility and the extent of  
9 their cooperation.

10 I mean, I -- I could give you an example, but I don't  
11 want to get ahead of myself and testify. I told you that I  
12 did speak with Dr. Whitehead. He has indicated that he saw  
13 no reason -- in spite of the letters that he sent out, he  
14 saw no reason why they should not participate in annual  
15 assessments, um, and be able to discuss her condition, uh,  
16 as needed with him, and I suppose other providers. He also  
17 said that the letters that he's written saying, "No, you  
18 can't come out for 90 days." You know the ones I'm  
19 referring to. That we can't have any scheduled hearing.  
20 He said, "Well, that's all based on what they told me.  
21 I've never seen that. There's -- we need the opportunity  
22 to determine, um, and -- and provide this to you.

23 And I don't even know -- well, several things. I  
24 don't know whether Karl's got a copy of these records or  
25 not because we just got them on Friday. I'm going to ask

1 him about them.

2 JUDGE WAGNER: Okay. But -- but, I mean, what do her  
3 medical records have to do with cooperation?

4 MS. CLARK: The refusal to provide access is one of  
5 the keys.

6 JUDGE WAGNER: Okay. But you can tell -- I mean,  
7 there is evidence of that, right? So there's evidence of  
8 her -- I mean arguably, you're going to say -- or present  
9 evidence that there was refusal, and -- I mean, I -- and of  
10 course, I have to hear from -- from Mr. Olson, but -- okay.  
11 So --

12 MS. CLARK: I -- what I don't want to do is have a  
13 hearing on this evidence, have a decision that -- that is  
14 going to say, "Yeah, up until the date of this hearing,  
15 they weren't cooperating, and then they turn and cooperate.

16 JUDGE WAGNER: Well, what's the harm, though, I guess?  
17 What's the harm of that?

18 MS. CLARK: Harm is -- I don't see that anybody's  
19 harmed. On the other hand, I don't see how anybody's  
20 harmed with a continuance, given that there will be an  
21 eligibility hearing requested. But here's the thing.

22 JUDGE WAGNER: But there -- but those are necessarily  
23 going to be consolidated, and I -- what I see with this is  
24 that it's been pending since July, there's -- I mean, it's  
25 just -- I think it's difficult to get things scheduled, and

conceals  
3/4/13  
appeal.

2  
Denied  
Before  
TAPE  
turned  
on.

conceals  
Appeal

yes,  
Filed  
on  
3/8/13

ALS lies  
NOT  
TRUE

1 I almost feel like what you're concerned about has more to  
2 do with the upcoming hearing, which is not necessarily my  
3 hearing. It's not necessarily consolidated with this  
4 hearing, or, you know -- it's another judge, another  
5 matter. So I'm not sure --

6 MS. CLARK: I'm thinking maybe if -- if you inquire of  
7 Mr. Olson several things. One whether he received the  
8 records, whether he's ready to testify about -- anything  
9 about them, because I -- I will establish relevance to this  
10 issue.

11 JUDGE WAGNER: All right. Did you get medical  
12 records, Mr. Olson?

13 MR. OLSON: I -- what do you mean, Your Honor?

14 JUDGE WAGNER: The --

15 MR. OLSON: I just --

16 JUDGE WAGNER: -- medical records apparently that you  
17 provided. Do -- do you keep copies for yourself? Did you  
18 take medical records to the CSO last week?

19 MS. CLARK: No, the (Inaudible) provided releases,  
20 Your Honor.

21 JUDGE WAGNER: Okay.

22 MS. CLARK: (Inaudible) directly from the providers.

23 JUDGE WAGNER: Okay.

24 MS. CLARK: Most of these.

25 JUDGE WAGNER: All right.

1 MR. OLSON: Your Honor, that was based on the request  
2 of the Department. They wanted their own releases, and we  
3 talked about this at --

4 JUDGE WAGNER: Okay.

5 MR. OLSON: -- the prehearing conference.

6 JUDGE WAGNER: Did you get the record -- did you get  
7 copies of the records that were provided to the Department?

8 MR. OLSON: Well, I -- like I said, I -- we had them  
9 in December. We were waiting. We wanted them to come out.  
10 Um, then they wanted their own copies, so we figured we  
11 just better sign the releases, and so that they would have  
12 100 percent of, uh, exactly what they asked for. I mean --

13 JUDGE WAGNER: Okay.

14 MR. OLSON: -- we talked about this.

15 JUDGE WAGNER: This doesn't --

16 MR. OLSON: Waiting --

17 JUDGE WAGNER: Did you receive, um, documents at the  
18 end of last week from Ms. Cunningham's healthcare  
19 providers?

20 MR. OLSON: Did I?

21 JUDGE WAGNER: Yes. Were -- did you get copies with  
22 any kind of indication that these -- that these had been  
23 provided to the Department of Social and Health Services or  
24 the Health Care Authority?

25 MR. OLSON: Uh, no. Uh-uh.

1 JUDGE WAGNER: Okay.

2 MR. OLSON: I -- I mean, we're just -- we've been, uh  
3 -- you know, we've signed, uh, the 2012 assessment  
4 agreement. We've been waiting to -- to meet to take the  
5 delegation, or -- I mean, we've been waiting for months,  
6 and nobody has wanted to come and get records, meet, or, uh  
7 -- because I've trouble with finances. I -- we've  
8 requested meetings with the Department. They won't come  
9 out. They won't come out. You had to order them to -- to  
10 come and get the records.

11 MS. CLARK: Objection.

12 MR. OLSON: And then --

13 JUDGE WAGNER: No, I didn't --

14 MR. OLSON: (Inaudible).

15 JUDGE WAGNER: Uh, Mr. Olson?

16 MR. OLSON: (Inaudible).

17 JUDGE WAGNER: Mr. Olson? I didn't order them to come  
18 get the records. I ordered you to make the records  
19 available because you said --

20 MR. OLSON: Right, and --

21 JUDGE WAGNER: Right.

22 MR. OLSON: Exactly. And I would have, but because  
23 that really wasn't the request. I thought, "Well" --

24 JUDGE WAGNER: No, my --

25 MR. OLSON: My (Inaudible) --

1 JUDGE WAGNER: Did you read my order?

2 MR. OLSON: Uh, yeah --

3 JUDGE WAGNER: That was -- my order says --

4 MR. OLSON: (Inaudible).

5 JUDGE WAGNER: (Inaudible) --

6 MR. OLSON: They were there -- I still have those  
7 records dated, um, December 19<sup>th</sup>, but the Department wanted  
8 their own release, as Ms. Clark said at our, uh -- our pre  
9 -- our hearing that we had earlier this month, and --

10 JUDGE WAGNER: Is there a reason that you limited the  
11 consent to today's date?

12 MR. OLSON: Well, I mean, it's, uh, today is the  
13 hearing, um, about all of that stuff going on, and I --  
14 there really isn't any, uh, reason to go beyond, uh,  
15 today's date. I mean, this thing -- you know, we were --  
16 been ready to meet for a long time, and --

17 MS. CLARK: Your Honor, I --

18 MR. OLSON: That's why --

19 MS. CLARK: If I --

20 MR. OLSON: -- I think the hearing needs to go on  
21 today.

22 MS. CLARK: Your Honor, my motion to continue the  
23 hearing is conditional upon, uh, Miss -- Mr. Olson as,  
24 apparently Deoide's agent, agreeing to schedule the overdue  
25 annual assessment almost immediately, and second upon his

3/18/13  
on  
2  
issues

OLSON  
Demands  
Hearing.

ALREADY  
Denied  
2 X

1 agreeing -- her signing a consent form that is appropriate  
2 for a (Inaudible) client. In other words, that it -- it  
3 allows communication between a provider's -- uh, medical  
4 providers for the waiver year. If he does not agree to  
5 that -- those two things, I withdraw my motion to continue.

6 JUDGE WAGNER: Well, according to -- okay. So Ms.  
7 Clark, from you, though, if -- if he did those things, then  
8 there wouldn't be any need for a hearing.

9 MS. CLARK: If he does those things, we don't have a  
10 need for this hearing.

11 JUDGE WAGNER: Okay. So Mr. Olson, are -- you're  
12 saying that you -- you want to have a hearing, uh,  
13 assessment scheduled?

14 MR. OLSON: Your Honor, we've been waiting for months  
15 -- since October -- since we agreed to take the last  
16 assessment. And I signed the agreements for the last  
17 assessment. I mean, we tried to make it work without the  
18 nurse delegation. We can't make it, so we've agreed to the  
19 last assessment. Um, have (Inaudible) -- we've been  
20 waiting for the annual assessment. Um, we've waited for  
21 any meeting we can get to try, and, uh, resolve this, or --

22 JUDGE WAGNER: Okay. Well, isn't -- isn't the annual  
23 assessment -- wasn't that due last -- I mean, it wouldn't  
24 have been due before February, correct? You said you'd  
25 been waiting, but --



1 MR. OLSON: Well, yeah, we -- we --

2 JUDGE WAGNER: You wouldn't have had --

3 MR. OLSON: Nobody's wanted to come, and meet with us,  
4 or do anything. I mean, we're -- we're just waiting --

5 JUDGE WAGNER: Okay. So what would be a good --

6 MR. OLSON: (Inaudible). Oh, sorry.

7 JUDGE WAGNER: What would be a good day, then, for the  
8 Department to come out and do Ms. Cunningham's annual  
9 assessment?

10 MR. OLSON: Well, I mean, uh -- uh, well, any -- I  
11 guess anytime. It's just, uh, when? I mean, somebody has  
12 to, um --

13 JUDGE WAGNER: When do you want to go out Department?

14 MS. CLARK: Uh, Ms. Garza can go out today.

15 JUDGE WAGNER: Okay.

16 MS. CLARK: Can I -- Your Honor, may I ask if, um --  
17 is, uh -- and I probably should ask (Inaudible) should ask  
18 (Inaudible), I guess. Whoever's in the room hearing the  
19 proceedings, is -- is Ms. Cunningham present, and -- and  
20 listening to this?

21 JUDGE WAGNER: Is Ms. --

22 MS. CLARK: (Inaudible), Your Honor.

23 JUDGE WAGNER: Is Ms. Cunningham present, Mr. Olson?

24 MR. OLSON: She does not participate in the hearings  
25 for -- for stress reasons.

1 JUDGE WAGNER: Is she listening?

2 MR. OLSON: No, she's not listening.

3 MS. CLARK: Where is she?

4 MR. OLSON: She's lying down in the bedroom.

5 MS. CLARK: Um --

6 MR. OLSON: I'm at the other end of the house, so that

7 she's not exposed to it. I mean, the -- the -- the stress

8 is -- is the reason why I try to take care of this. Um,

9 did anybody -- did you guys get the last, uh, letter from

10 Dr. Whitehead? I mean, trying to clarify --

11 JUDGE WAGNER: I received a letter from Dr. Whitehead,

12 um, dated March 8<sup>th</sup> that was received at the office March

13 15<sup>th</sup>. I just got it today.

14 MS. CLARK: I received that letter on Friday, and --

15 and accepted his invitation to call him if I had any

16 questions.

17 MR. OLSON: Uh-huh.

18 Lie MS. CLARK: And that's what I was making reference to

19 earlier that he does not believe, um, an in-person

20 assessment in which Deoide participates -- not just is

21 present, but participates um, is unreasonable, given her

22 conditions. And he said, "It is not, um, unreasonable for

23 her to be able to participate in hearings by telephone that

24 she requested." And I specifically asked those things, but

25 I was short in our conversation because he had patients.

Telephone  
is  
TRUE

1 He -- he realized the limitation of the consent form. I  
2 explained that to his office assistant. I said, "I really  
3 don't have much time here." She goes, "Oh, I see that."  
4 And so the doctor came on the line. We had about a ten-  
5 minute conversation, and those two points he made. So what  
6 I'm asking, Your Honor, is -- you know, I'm moving to  
7 continue solely on the conditions that Karl -- Mr. Olson,  
8 as Deoide's apparent agent, agrees to a -- the annual  
9 assessment, either today, or this week -- next couple of  
10 days -- that Deoide actively participate. That she be  
11 allowed to be asked questions, and be observed, and  
12 actively participate, and that they sign a consent  
13 consistent with waiver clients in order for us to be able  
14 to assess and coordinate necessary services. Those are  
15 pretty easy things, I would think, for somebody to agree to  
16 if they their wife or, uh, girlfriend's interest at heart.

17 MR. OLSON: Well, my goodness, um, that's kind of  
18 below the belt. But we've been waiting, um, for somebody  
19 to work with us -- uh, work with us on whether we could,  
20 uh, make things to where delegation was not needed or  
21 whatever. We've had to go this alone, but if you guys  
22 won't come out to the house, um, for --

23 JUDGE WAGNER: Well, sounds like Ms. Garza is willing  
24 to come out to the house today or tomorrow.

25 MR. OLSON: Well, if that's what it takes, Your Honor,

1 to get the assessment performed, we have not been, um,  
2 unwilling to participate. We've always participated --

3 MS. CLARK: But Deoide --

4 MR. OLSON: (Inaudible) home care assessment. May I  
5 finish, please?

6 MS. CLARK: Not Deoide.

7 MR. OLSON: We've always been -- well, Deoide has been  
8 able to participate at times, to the best that she can.  
9 She has been -- had a letter written, I believe from Dr.  
10 Whitehead asking for, uh, her to sit out one time because  
11 of the stress. Um, Dr. Whitehead's letter (Inaudible), uh,  
12 were just, like he says, I have a copy of the letter that  
13 was faxed right here. You know, we didn't mean for, uh,  
14 that letter to trigger determination on the 21<sup>st</sup> of her  
15 waiver. We just -- I reported future activity. Uh, Dr.  
16 Whitehead had recommended additional time, and -- and  
17 that's all. But that was about -- it was about what was  
18 best for Deoide at that time.

19 MS. CLARK: Your Honor, uh, the fact is moot. You're,  
20 uh, at least aware of last -- 2012's assessment, uh, and  
21 the testimony from that hearing is that she did not  
22 participate. She was laying there, uh, and did not  
23 participate enough to -- uh, was not allowed, or did not  
24 respond to any questions. Um, it is required that she  
25 participate, and the -- and the doctor told me, and I, uh -

OATH  
Lie  
==

Telephone  
Hearings  
needed.

1 - I actually have noted it, and it was submitted in a sworn  
 2 declaration -- and I'm not under oath now, but the doctor  
 3 told me that she is perfectly capable of participating  
 4 actively in an assessment. He, uh -- he sees nothing wrong  
 5 with that, and that she's perfectly capable of actively  
 6 participating in testifying by -- I stress by telephone --  
 7 in her own hearings. And -- and if -- if Mr. Olson cannot  
 8 agree to the conditions that we have an assessment that she  
 9 be allowed, and that she does actively participate, uh,  
 10 we're not going to ask her to do pushups, and you know, I  
 11 will not -- this is talking about sitting in a room, kind  
 12 of like she sits in classrooms. Um, we're talking about  
 13 sitting in her own room, and actually engaging in  
 14 conversation as she is supposed to do in order to  
 15 cooperate. If he can't ensure that we have this annual  
 16 assessment, and number two that she actively participate,  
 17 and number three, that she signs a consent form for the  
 18 year -- for the waiver year, so that we can coordinate and  
 19 not feel like we're getting information that's screened  
 20 through Mr. Olson solely, um, then I withdraw my motion to  
 21 continue.

22 MR. OLSON: We provided the --

23 MS. CLARK: I'm not asking what you provided.

24 JUDGE WAGNER: Okay. So let's just --

25 MR. OLSON: Ms. Clark, we have provided --

2  
Denied  
OFF  
the  
Tape  
40  
minutes

1 JUDGE WAGNER: Okay.

2 MR. OLSON: -- everything you've asked for.

3 MR. WRIGHT: Okay.

*Delay*  
4 MR. OLSON: We have waited months for you guys to act  
5 on that stuff.

6 JUDGE WAGNER: Okay. Well, this is a -- I don't know  
7 what happened. What did or didn't occur, but today, here  
8 and now, you know, the Department is asking Mr. Olson, do  
9 you agree to an annual assessment in the next couple of  
10 days? Do you agree to sign a waiver, uh, con -- consent --  
11 rather a consent form that's consistent with what waiver  
12 clients sign, which would not have a -- a -- you know, it  
13 would be for a year's period of time, not like the day of  
14 hearing. And, uh, the -- would you agree that Ms.  
15 Cunningham is going to be an active participant in the  
16 assessment. And if -- if you can't say yes, yes, yes, then  
17 Department's withdrawing its motion, and -- and I don't  
18 want to spend a lot more time arguing about this, or  
19 discussing it because, to me, it seems like it's a very --  
20 we're going on circles, and I would just rather, you know --  
21 -- if you don't want to agree to those things, uh, then I'd  
22 rather just -- just say so, and -- and then we'll go  
23 forward with the hearing.

*Already  
14  
Hearing*  
24 MR. OLSON: Well, you -- you can come and do the --  
25 the annual assessment, Your Honor.

1 JUDGE WAGNER: I'm not going to do the assessment, and  
2 I don't - I'm not trying to say that you should agree to  
3 any of those things. But what the Department is saying is  
4 if you agree that they can come out and do their annual  
5 assessment, number two that Ms. Cunningham will be  
6 available and participate in that annual assessment, and  
7 three that -- that a waiver is -- or consent form is signed  
8 that, basically, is for a year's period of time, I guess --  
9 if you agree to those three things, the Department doesn't,  
10 you know, would -- would -- would, uh, you know -- would,  
11 uh, say that --

12 MR. OLSON: I under -- I (Inaudible) --

13 JUDGE WAGNER: Yes or no?

14 MR. OLSON: -- understand what you're saying, Your  
15 Honor. I'm just, uh --

16 MS. CLARK: We just need a --

17 MR. OLSON: I -- I --

18 MS. CLARK: We just need a yes or no, Mr. Olson.

19 MR. OLSON: Well, I'm aware of that, Ms. Clark, but  
20 I'm sitting here trying to figure out why it had to wait  
21 until today that you guys are wanting to finally come.

22 MS. CLARK: This is not going to be argued.

23 MR. OLSON: (Inaudible) and meet with us today --

24 MS. CLARK: Yes or no?

25 MR. OLSON: And we've given you the --

*I  
was  
suspicious*

1 MS. CLARK: Mr. Olson?

2 MR. OLSON: -- uh, forms that you requested, and --

3 JUDGE WAGNER: Okay. All right. You know what? You  
4 know what? You know what? We're going to go forward with  
5 the hearing. We're going forward with the hearing because,  
6 as I said, I think we get into these circular things.  
7 Nothing is accomplished, and if the Department needs to  
8 offer some documents post hearing with an opportunity for  
9 Mr. Olson to respond on behalf of Ms. Cunningham, I'm going  
10 to -- I'm going to address it that way, but I don't want to  
11 spend any more time arguing about whether somebody will or  
12 won't sign a consent, will or won't make somebody  
13 available, et cetera, so we're going.

14 MS. CLARK: I -- if he cannot answer yes or no to  
15 those three points --

16 JUDGE WAGNER: Well, he hasn't, and -- and I'm not  
17 going to -- I mean, you know, he's got a different  
18 perspective on this. I don't know who's -- who's right,  
19 who's wrong. I don't want to spend any more time, um, and  
20 then find out that, uh, there's misunderstanding that --

21 MR. OLSON: Let's move forward with the hearing, Your  
22 Honor. We've waited long enough for cooperation here, and  
23 I -- that's all I've got to say.

24 MS. CLARK: Your Honor?

25 MR. OLSON: Ms. Clark --

OLSON  
Demands  
Hearings  
again



1 MS. CLARK: Uh, we made this motion and asked him  
 2 three simple questions, and I want to make it real clear  
 3 for the record that his refusal to agree to -- at hearing,  
 4 at this point -- to agree to what's required by the  
 5 regulations, um, as far as I'm concerned, he might turn  
 6 around and agree to everything tomorrow while your  
 7 decision's still pending, but, um, this is the last  
 8 opportunity. I'm, uh -- it -- it really is simple, and I -  
 9 - I resent the fact that it can't be -- we talked about  
 10 everything else. It's a simple yes or no, and if --

11 JUDGE WAGNER: Well, understand that's your position -  
 12 -

13 MS. CLARK: I'd like --

14 JUDGE WAGNER: -- but I'm not hearing the yes, so I  
 15 mean, I don't know what you want me to --

16 MS. CLARK: (Inaudible) to a hearing -- would you  
 17 agree to an assessment today or tomorrow, Mr. Olson? Yes  
 18 or no?

19 MR. OLSON: Let's move forward with the hearing.

20 MS. CLARK: No, it's not -- that's not the option. Um,  
 21 Mr. Olson, you've demonstrated already, uh, exactly the  
 22 issue here, and I think the Judge has heard enough about  
 23 this motion. My second motion is a motion to rescind the  
 24 Planned Action Notice for this hearing. Um, it is clear to  
 25 me that it is pointless to have this hearing when we're

*OLSON  
 Demands  
 (hearing  
 again)  
 4th  
 Time*

*Clark  
 Lies  
 again*

Concealment  
again

1 going to have these issues addressed in an eligibility  
 2 hearing that is also terminating services, and this is not  
 3 a, um -- this is not a, uh -- uh, request for hearing that  
 4 is contingent upon an assessment, for which I know that  
 5 some judges believe creates the right to a hearing. This  
 6 is a hearing that provides -- this Planned Action Notice  
 7 provides the Office of Administrative Hearings  
 8 jurisdiction, um, to have a hearing on this, and given the  
 9 resistance to cooperate demonstrated on the record at this  
 10 proceeding, I am rescinding the Planned Action Notice on  
 11 behalf of the Department, and my position is that that  
 12 deprives the Court from any further jurisdiction to have a  
 13 hearing on this particular matter.

Lie  
3/4/13  
Appeal  
filed

14 JUDGE WAGNER: Well, I think it -- it does. Did you  
15 want to be heard about -- on that, Mr. Olson?

16 MR. OLSON: Well, Your Honor, if the Department is  
 17 withdrawing their request for the hearing, or whatever,  
 18 like that, then, um, that's up to them. I mean, we've  
 19 waited, and we're -- I mean, I just don't feel that it's  
 20 fair to have been waiting this long for -- for them to come  
 21 and -- and help us with this, and that's why I -- we --  
 22 we've got to move on with this. It's --

OLSON  
Demands  
Hearing  
again.

23 JUDGE WAGNER: Okay.

24 MR. OLSON: That's --

25 JUDGE WAGNER: All right. Well, the -- the Department

Filed on 3/8/13 gave us Jurisdiction. ALJ conceals.

March 3/4/13 ALJ let it slip

1 isn't withdrawing the hearing request. The hearing request  
2 is yours, but the hearing request is -- is based upon, you  
3 know, there being some jurisdictional basis for the  
4 hearing, so the Department is rescinding the Planned Action  
5 Notice, um, dated -- what is it? Is it March -- let's see.  
6 Nope. It is June 27, 2012, um, terminating the waiver  
7 services. So, um, I'll just indicate that the hearing is  
8 dismissed based upon the withdrawal of the -- the Planned  
9 Action Notice.

10 Um --

11 MR. OLSON: Your Honor, if I could just --

12 JUDGE WAGNER: Yes?

13 MR. OLSON: -- clarify for you?

14 JUDGE WAGNER: Yes.

15 MR. OLSON: I don't mean to be obstinate, or -- or  
16 hardheaded, or persistent. I -- I do re --

17 MR. WRIGHT: You're entitled to be a -- a advocate for  
18 your agency. ?

NOT Karl its Ms. Clark.

19 MR. OLSON: We -- we truly do want to have a hearing,  
20 um, on these issues because we truly are concerned about  
21 Deoide's health, and safety, and -- and personal care  
22 needs. Um, we -- I just, uh -- I'm not trying to deprive  
23 anybody from getting this fleshed out. It needs to be  
24 fleshed out, um, but I believe under the circumstances we -  
25 - as a last resort, I made this motion to rescind, and --

this is NOT me

There is no Mr Wright in this matter.

1 JUDGE WAGNER: Okay. I didn't realize that one --  
2 that somebody could turn around, cooperate, and that would  
3 undo a termination.

4 MS. CLARK: I hadn't thought about it in real, um --  
5 real terms or real life, uh, until I think probably about  
6 2:00 Saturday morning, in which I was wondering what would  
7 be the effect? Because we -- (Inaudible) services if  
8 they're eligible. She can be eligible -- actually, she  
9 remains eligible, uh, for services, and, um, even with you  
10 granting her motion to rescind -- uh, to dismiss -- based  
11 upon our decision -- she, uh, remains eligible to receive  
12 services, just not for Mr. Olson until there's a decision  
13 in that matter. So there's no harm to her, uh, but she --  
14 again, she will have to, um, agree to the very things I  
15 requested a moment ago in order to continue to receive  
16 those services. And if -- if you think about it, Your  
17 Honor, there's certain things that are -- when you make the  
18 decision (Inaudible) on assessments, it's generally for  
19 that assessment period. If you make, uh, decisions  
20 regarding eligibility terminations or denials, that's --  
21 that's it until there's new evidence or new documentation  
22 submitted, or a new application.

23 So with this situation, there is nothing that I could  
24 see that would prevent them from agreeing to everything  
25 right after we spent the day on this hearing, so I -- that

1 -- that -- you didn't think about it, I didn't think about  
2 it. None of us here at the table thought about it until  
3 recently. I apologize.

4 JUDGE WAGNER: Okay. Any -- Mr. Olson, anything else  
5 from you, or --

6 MR. OLSON: I have nothing more to say. I -- I'm  
7 sorry.

8 JUDGE WAGNER: That's all right. So you have or are  
9 going to submit a hearing request on behalf of Ms.  
10 Cunningham in response to the recent, uh, Planned Action  
11 Notice terminating her -- her eligibility and her services,  
12 is that right?

ALJ  
conceals  
Appeal  
again-

13 MR. OLSON: Yes, Your Honor. This thing's completely  
14 out of control.

I was  
shocked

15 JUDGE WAGNER: All right. So, um -- all right. Well  
16 -- and I know that Ms. -- the Department was asking for --  
17 for persons to appear et cetera for this particular  
18 hearing. It seemed pretty apparent to me that there's a --  
19 a break -- uh, at a minimum there's some kind of breakdown  
20 of communication, so, you know, Department, and Mr. Olson,  
21 you -- you may need to consider who you might have to  
22 subpoena for those hearings, et cetera.

OUT  
OF  
Control

23 MS. CLARK: Your Honor, can -- is it possible in this  
24 proceeding for him to make a request for hearing on that  
25 action on the record?

another  
Lie  
OF  
concealment.

Filed  
in  
writing  
on  
3/8/13

Clark  
3  
ALJ  
work  
together  
to  
conceal  
Appeal

★  
Already  
Filed  
3/8/13

1 JUDGE WAGNER: No. I don't -- I think it -- I think -  
2 - I don't want to take it. I mean, because I think --  
3 doesn't that -- does it not have to be in writing?

4 MS. CLARK: Well, it -- one of the rules, uh, actually  
5 requires Department staff that if a, um -- if a person  
6 requests assistance in requesting a hearing on a Department  
7 action, that they are required to facilitate that hearing  
8 request.

9 JUDGE WAGNER: Well, and we take hearing requests too,  
10 um, but I would say that, um --

11 MS. CLARK: (Inaudible) might facilitate things if he  
12 wants a hearing, then Ms. Garza could actually file a  
13 hearing request on his behalf on her behalf.

14 JUDGE WAGNER: Would -- would you like that, Mr.  
15 Olson, or have you already filed a request? ★

16 MR. OLSON: Uh, the paperwork has already been filed, ★  
17 Your Honor, and we'll just have to wait until we get a  
18 reply.

19 JUDGE WAGNER: What do you mean wait -- wait until you  
20 get a reply? What do you mean?

21 MR. OLSON: Well, somebody will contact us, uh,  
22 hopefully to set up, uh --

23 JUDGE WAGNER: Oh, the office of -- so you're saying  
24 you --

25 MR. OLSON: (Inaudible) that's what we do. You have

3/8/13

★

1 to -- you can't call it in. You have to fill it out, and  
2 you have to send it in, or fax it in, and then, uh --

3 JUDGE WAGNER: So you -- you've sent your request to  
4 the Office of Administrative Hearings?

5 ★ MR. OLSON: Yes, Your Honor. ★

6 JUDGE WAGNER: Okay. Very good. Well, I imagine  
7 that'll show up there, then, shortly. Was there-- Ms.  
8 Clark, is there a reason that you're anxious about that?

9 → MS. CLARK: I'm anxious about everything. I'm  
10 (Inaudible), but no, it's -- it's just, I -- in terms of  
11 efficiency I agree with both of you that we need to get  
12 things -- we need to get through these things, uh, both  
13 because we're concerned about Ms. Cunningham, and there are  
14 issues that need to be resolved, and I'm just trying to  
15 figure out any way that we could --

she knew she lied

16 JUDGE WAGNER: So what I -- I, uh, I mean, what you've  
17 stressed before at the prior prehearing is you've got  
18 concerns about getting access to medical, and getting  
19 access to Ms. Cunningham, et cetera, and, um, I think --  
20 yeah, I didn't -- I, you know, my -- I didn't think that I  
21 necessarily have the right to order -- like I didn't know  
22 what my authority would be to order medical records, and  
23 so, you know, it may be that your AG, or somebody has to  
24 get involved.

25 → MS. CLARK: We -- we are, um, going to be doing that

ALJ conceals again

OLSON confirms appeal Filed. 3/4/13

→ Conceals again under OATH.

1 in the eligibility proceeding, both to get the medical  
 2 records and the school records, and, um -- uh, that --  
 3 that's already in the works, and the -- uh, had hoped for  
 4 some cooperation, and -- and I understand that, given that  
 5 I'm an attorney, and that we have an AG that -- actually,  
 6 I've found out that I could, in fact, uh, issues subpoenas  
 7 for the Department, um, and so we're working on that, I --  
 8 I (Inaudible) concern on that, um, and, uh, bearing with me  
 9 for now.

10 JUDGE WAGNER: And Mr. Olson, any questions or  
 11 concerns, or do you want to try and set up something? You  
 12 said you'd been waiting and waiting. Did you want try and  
 13 set something up with the Department to -- what I'm hearing  
 14 is that the -- you know, the Department does not want the,  
 15 um -- the Department just wants to ensure that, you know,  
 16 the information it gets is correct, and, you know, et  
 17 cetera, and we'd like to work with you not, um -- so it  
 18 sounds like Ms. Cunningham is due for an annual assessment,  
 19 so perhaps that will be set up (Inaudible), but that's  
 20 beyond the scope.

21 I mean, at this point, the Department has rescinded  
 22 the Planned Action Notice, so there's nothing -- I will  
 23 dismiss the case based upon that, but I know that does  
 24 leave two -- I think two pending hearings. One in regard  
 25 to whether Mr. Olson should be terminated as, uh, provider,

There  
was  
Full  
Jurisdiction  
this  
DAY



1 and, two, whether Ms. Cunningham's services -- eligibility  
 2 should be terminated -- services, and -- and I don't -- I  
 3 don't think I'll -- I'm going to be the judge on either one  
 4 of those, I mean, necessarily. And I'm not on the -- Mr.  
 5 Olson's case. Um, and then -- yeah, and the other one  
 6 hasn't even come in, but it won't necessarily be assigned  
 7 to me, so, um, you know, maybe that's, um --

8 MR. OLSON: Good for you.

9 JUDGE WAGNER: In the meantime, though, you can -- it  
 10 doesn't mean that you and the Department can't work -- you  
 11 know, try and work out something.

12 MR. OLSON: We're always waiting and willing to talk,  
 13 Your Honor.

14 JUDGE WAGNER: All right. Well, is there any --  
 15 anything else that needs to be addressed today, um, from  
 16 your standpoint, Mr. Olson?

17 MR. OLSON: No, ma'am.

18 JUDGE WAGNER: How about your standpoint, Ms. Clark?

19 MS. CLARK: No, Your Honor. Thank you.

20 JUDGE WAGNER: Yeah, all right. Well, thank you all  
 21 for being available to participate. That will conclude the  
 22 proceedings, and we are off the record.

23 (END OF RECORDING)

24

25

ALT  
 conceals  
 the  
 Appeal  
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 3/8/13  
 again

C E R T I F I C A T E

STATE OF OREGON        )  
                                  ) ss.  
County of POLK         )

I, the undersigned, do hereby certify:

That the foregoing Audio Transcription of the above was transcribed under my direction; that the transcript is a full, true and complete transcript of the proceedings, including all questions, objections, motions and exceptions; except for those portions shown as Inaudible, if any;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof; That I am herewith delivering the same to the Clerk of the above-entitled Court.

IN WITNESS WHEREOF, this 17th Day of November 2017.

/s/ Marisa L. Walker  
Marisa L. Walker, Residing  
At Dallas, Oregon

EXHIBIT C.....1 PAGE

4. EMAIL DATED 5/17/2014 FROM SUPERVISOR ROD DUNCAN

Duncan Email  
MAY 17, 2013

EXH C

**From:** McMillin, Ellen (DSHS/DDD)  
**To:** Clark, Kelly (DSHS/DDD)  
**Subject:** FW: D.C. - no hearing request for eligibility termination  
**Date:** Friday, May 17, 2013 1:46:00 PM

CONCEALMENT

Hi Kelly,

Keep me posted on these emails and if there is a call to the AAG 's office I would be happy to sit in on the call.

Ellen McMillin, MSW  
Asst. Field Services Adm.  
Region 2  
Developmental Disabilities Administration  
206-568-5722

\* THE ONLY WAY YOU CAN  
"maintain eligibility" is to  
"File" an appeal for Hearing  
IT could NOT Be Lost or  
not Filed \*

**From:** Duncan, Rod (DSHS/DDD)  
**Sent:** Friday, May 17, 2013 12:09 PM  
**To:** Larson, Mary (DSHS/DDD); Clark, Kelly (DSHS/DDD); Osborn, Christopher (DSHS/DDD)  
**Cc:** Rigby, Robbie (DSHS/DDD); Weirauch, Michael (DSHS/DDD); Garza, Norma E (DSHS/DDD); McMillin, Ellen (DSHS/DDD)  
**Subject:** FW: D.C. - no hearing request for eligibility termination

Can we talk about where we are and what next steps we should be taking? Norma talked with me (I am the supervisor for this case) this morning about her most recent call from Karl and was wanting to know how to proceed. Karl is calling about dental services which are only available as a waiver client. So here are my concerns:

Lies I recognize it appears either a request for hearing was lost by OAH or Karl failed to submit the request in writing. He did however in sworn testimony during the hearing in March state they had appealed. Should that not count as a verbal request? I think we are vulnerable because we completed an assessment after the effective date of the termination based on the expectation of continued benefits since he stated they had appealed.

I have 2 recommendations:

- Lie
1. We rescind the termination PAN and require an eligibility review since there have been no paid services now since September however they have maintained waiver eligibility and so far it is still in place with the CSO allowing access to Dental services.
  2. If we believe the residence issue is still an issue and needs to be verified, we notify Karl and Decide that OAH has no record of a hearing request and make it their responsibility to correct that by June 4<sup>th</sup> if not then we are officially done and they would have to reapply and we would notify the CSO to terminate Waiver eligibility ending the dental services.

This case just continues to throw curves at us so maybe we should include the AAGs in this decision?

**From:** Garza, Norma E (DSHS/DDD)

EXHIBIT C1.....1 PAGE

5. POST EMAIL LETTER DATED 5/24/2013 FROM ROD DUNCAN

Duncan contradicts Self/Lies

Concealment

EXH C I

3/4/2013 PAN



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Developmental Disabilities Administration  
B29-9 • 900 East College Way - Suite 110 • Mt Vernon WA 98273

→ May 24, 2013

Deoide Cunningham  
2714 J Ave  
Anacortes, WA 98221

Dear Ms. Cunningham:

I am writing in response to your recent inquiry regarding dental services. Upon review of your case, you are not currently eligible for dental services. You were sent a Planned Action Notice dated March 4, 2013 notifying you that your eligibility with the Developmental Disabilities Administration (DDA) was being terminated effective March 31, 2013. An Eligibility termination ends access to waiver services which includes dental services. We are aware that Karl Olson stated that he had appealed this decision. However to date there is no record a request for a hearing has been submitted to the Office of Administrative Hearings. A request for hearing needed to be submitted prior to March 31, 2013 for you to be eligible to continue to receive services pending the outcome of a hearing. You may still request a hearing on the decision to terminate your eligibility with DDA until June 4, 2013, but you have missed the deadline for maintaining your services while the matter is being appealed.

FALSE

I also need to clarify that the most recent Planned Action Notice regarding your Waiver Personal Care services will be rescinded as you are not eligible to receive that service either. We completed the assessment with you with the understanding that a request for hearing had been submitted. Since there is no record of a hearing request your eligibility ended March 31<sup>st</sup> and you will not be able to access personal care services.

False.

If Karl Olson has documentation that a request for hearing was submitted, it is critical that we receive a copy of his request in order to reinstate services. Your other options are to re-apply for eligibility with the Developmental Disabilities Administration or apply for COPES with Home and Community Services. Please contact me if you have any questions. I can be reached at 360-416-7268

Sincerely,

Rod Duncan  
Region 2  
Developmental Disabilities Administration

C: Nancy Olson, NSA  
Norma Garza, Case Resource Manager  
Mary Larson, Region 2 DDA  
Bruce Work, AAG

3/26/13

We tried but DSHS  
DDA Lied to HCS.

\* SEE EXH E \*

EXHIBIT C2.....2 PAGES

6. CONCEALMENT BY AG/AAG DURING JUDICIAL REVIEW  
ALLEGING THAT APPEAL WAS NOT FILED UNTIL 6/3/2013  
WHICH IN FACT WAS A LIE

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**STATE OF WASHINGTON FOR  
SKAGIT COUNTY SUPERIOR COURT**

DEOIDE CUNNINGHAM,  
Petitioner,

NO. 14-2-02007-7

vs.

RESPONSE TO PETITIONER'S  
MOTIONS

WASHINGTON STATE DEPARTMENT  
OF SOCIAL AND HEALTH SERVICES,  
DEVELOPMENTAL DISABILITIES  
ADMINISTRATION,  
Respondent.

TO: CLERK OF THE COURT; and  
TO: DEIODE CUNNINGHAM, Petitioner:

The Department of Social and Health Services (DSHS), through its counsel  
ROBERT W. FERGUSON, Attorney General, and JOHN S. MEADER, Assistant Attorney  
General, make a limited appearance without waiving any defenses including lack of  
jurisdiction, improper venue, insufficiency of process, or insufficiency of service of process,  
and files the following Response to Petitioner's Motions.

///  
///  
///





Appeal Filed on 3/8/13

I. INTRODUCTION

This case is a Petition for Review of Administrative action pursuant to RCW 34.05.570 and involves a dismissal for default of an administrative hearing. The Petitioner did not appear for the hearing and was unable to show good cause for her absence. WAC 388-02-0305(3); 388-02-0020.

II. PROCEDURAL BACKGROUND

The Petitioner was a client of the Department of Social and Health Services, Developmental Disabilities Administration (DDA). She received written notice on March 4, 2013, that her eligibility for DDA services was to be terminated effective April 1, 2013. The Petitioner appealed this decision on June 3, 2013. On December 17, 2013, a motion hearing was held that continued the hearing date to May 20, 2014. At the December hearing the Petitioner also made a request for continuing benefits pending the outcome of the eligibility hearing on May 20, 2014. The request was denied by an initial order on January 9, 2014, because the request for appeal in June was too late to preserve the right to benefits. This order became a Final Order because it was not appealed to the Board of Appeals and continuing benefits were not provided.

No 21 DAY Notice

Prior to the May 20, 2014 hearing, the Office of Administrative Hearings (OAH) issued an order on May 8, 2014, requiring the Petitioner to appear in person and fully informing her representative of how to do so. Neither the Petitioner nor her representative appeared at the May 20<sup>th</sup> hearing either in person or by phone. As a result, an Order of Dismissal for default was issued on May 22, 2014. On June 4, 2014, the Petitioner timely filed an appeal to vacate the order of dismissal with the Office of Administrative Hearings (Docket No. 06-2014-A-0765).

The appeal to vacate the Order of Dismissal for default was denied by an initial order of the Office of Administrative Hearings on September 11, 2014. The Initial Order was affirmed by the Board of Appeals and the Board issued a Final Order on November 13, 2014.

EXHIBIT C3.....1 PAGE

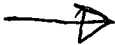
7. EMAIL DATED 4/30/2013 FROM DR KELLY CLARK AGAIN  
CONCEALING THAT THE PAN DATED 3/4/2013 HAD BEEN  
RECEIVED BY OAH ON 3/8/2013 AND THAT SHE CONTINUED TO  
CONCEAL THAT SHE DID HAVE IT ON 3/18/2013

MAY 17, 2013 Concealment.

EXHC3

they do request a hearing on the eligibility PAN within the 90 day appeal period, would that, along with everything else, *not* trigger an eligibility review?

DR



Kelly A. Clark  
Administrative Hearings Manager  
DSHS Developmental Disabilities Administration, Region 2  
1700 Cherry Street, Suite 200  
Seattle, WA 98122  
Tel: (206) 568-5823  
Fax: (206) 720-3334  
clarkka@dshs.wa.gov

---

**From:** Osborn, Christopher (DSHS/DDD)  
**Sent:** Tuesday, April 30, 2013 7:59 AM  
**To:** Clark, Kelly (DSHS/DDD); Garza, Norma E (DSHS/DDD); Rigby, Robbie (DSHS/DDD)  
**Cc:** Weirauch, Michael (DSHS/DDD); Larson, Mary (DSHS/DDD); McMillin, Ellen (DSHS/DDD)  
**Subject:** RE: D.C. - no hearing request for eligibility termination

Has the issue of her residence been settled? We sent the eligibility termination PAN based on information that she was no longer a resident of Washington.

---

*Chris Osborn, Supervisor*  
Intake & Eligibility/ Birth-3 Case Manager  
DSHS-Developmental Disabilities Administration  
Region 2-Everett/Seattle  
(425) 339-4907

DR



---

**From:** Clark, Kelly (DSHS/DDD)  
**Sent:** Monday, April 29, 2013 10:54 AM  
**To:** Garza, Norma E (DSHS/DDD); Osborn, Christopher (DSHS/DDD); Rigby, Robbie (DSHS/DDD)  
**Cc:** Weirauch, Michael (DSHS/DDD); Larson, Mary (DSHS/DDD); McMillin, Ellen (DSHS/DDD)  
**Subject:** D.C. - no hearing request for eligibility termination

Hi all,

Re Diode Cunningham:

As you recall, a PAN terminating DDD eligibility, as well as waiver services, was mailed by Chris Osborn on March 4, 2013. It had an effective date of April 1, 2013, meaning that she would have had to have filed before April 1<sup>st</sup> in order for DDD services to continue, although she can still have a hearing if she filed within 90 days of the PAN date (June 4<sup>th</sup>). At our short hearing on March 18, 2013, Karl confirmed that they had received the DDD termination PAN and had filed a hearing request.

3/18/13

see EXHC



However, as of today, OAH has received no hearing request. The only thing pending with OAH is a decision from ALJ Gaines on the issue of whether Karl and Deoide are legally married. If she decides that they aren't, Karl would have been able to continue as Deoide's PC provider if she had timely requested a hearing on the eligibility termination, but she did not.

False

So, Deoide is no longer eligible for the paid services because she did not file a timely hearing request. Even if she does so within the 90 day period (June 4<sup>th</sup>), she would not be eligible for

NOT True

EXHIBIT C4.....1 PAGE

8. EMAIL DATED 5/7/2017 BETWEEN KELLY CLARK AND ELIGIBILITY MANAGER NORTH CHRIS OSBORN. CHRIS OSBORN WANTED TO RESCIND THE 3/4/2013 DD CLIENT ELIGIBILITY PAN BUT KELLY CLARK AGAIN INTERFERES AND CONCEALS THAT SHE HAD BEEN GIVEN THE APPEAL BY OAH ON 3/8/2013 AND THAT SHE HAD IT. CONCEALMENT AGAIN. KELLY CONFESSES THAT THEY WERE NOT PREPARED FOR ACTION WHICH IS WHY SHE LIED ON 3/18/2013, SHE DID NOT SECURE A CONTINUANCE.

↓ ↓ Concealment EXH C4

Sent: Friday, May 17, 2013 9:03 AM  
To: Duncan, Rod (DSHS/DDD)  
Subject: FW: D.C. - no hearing request for eligibility termination False

Rod:  
FYI the Medicaid Fraud investigator's name is Craig Brot.

From: Osborn, Christopher (DSHS/DDD)  
Sent: Tuesday, May 07, 2013 1:17 PM  
To: Clark, Kelly (DSHS/DDD); Garza, Norma E (DSHS/DDD); Rigby, Robbie (DSHS/DDD)  
Cc: Weirauch, Michael (DSHS/DDD); Larson, Mary (DSHS/DDD); McMillin, Ellen (DSHS/DDD)  
Subject: RE: D.C. - no hearing request for eligibility termination

Thanks Kelly-If we are not satisfied that Deoide currently meets the residency requirement (since that was the reason for the eligibility termination), then I would say that we hold tight and see if she decides to file an appeal by 6/4. If she does not file an appeal by 6/4, then her DDA eligibility ends and she would have to reapply for eligibility.

Filed on 3/8/2013

If we believe that she currently meets the residency requirement (based on a current mailing address or by being available for the assessment on 3/20), then we would typically rescind the PAN and the client would continue to be DDA eligible. In that case, we could likely initiate a review of Deoide's eligibility based on the self-reported information that her seizure conditions have improved to the point that she is able to attend college and earn a degree. This would indicate that her qualifying disability is not lifelong in nature. The WAC references would be 388-823-1000 and 388-823-1010 (4)(a).

Chris Osborn, Supervisor  
Intake & Eligibility/ Birth-3 Case Manager  
DSHS-Developmental Disabilities Administration  
Region 2-Everett/Seattle  
(425) 339-4907

2011-2012  
EXH A  
"Temporary"

DR →

From: Clark, Kelly (DSHS/DDD)  
Sent: Tuesday, May 07, 2013 12:13 PM  
To: Osborn, Christopher (DSHS/DDD); Garza, Norma E (DSHS/DDD); Rigby, Robbie (DSHS/DDD)  
Cc: Weirauch, Michael (DSHS/DDD); Larson, Mary (DSHS/DDD); McMillin, Ellen (DSHS/DDD)  
Subject: RE: D.C. - no hearing request for eligibility termination

Sorry for the delay, Chris. No, we know she is here for medical appointments and assessments, but has resided for some period in San Diego 2011-2012 attending school. Until we engage in some discovery per the anticipated DDA eligibility hearing request, we will not have enough information one way or the other. At the very least, we know that she had an address and post office box during a period in which we were paying Karl to provide MPC.

Lie

Delay

The ALJ has not issued a decision on the "marriage" issue, and Karl has not been paid since last fall for MPC services. If the ALJ decides they are not married, we still would not reinstate DDA MPC because they did not request a hearing by the "effective date" of the eligibility termination PAN.

False

Denied Counsel

EXH D

MAY-05-2014 14:34

BAY RE OFFICE PRODUCTS

13602934660

P.002

Continuance Denied for counsel

5/5/14

5/5/2014 To ALJ: Biovin. HCA Representative Clark  
dockets 05-2013-hca-0186 and 06-2013-hca-0805, 03,2014-hca-0415, 04-2014-A-0601  
04-2014-A-0603, 04-2014-A-0605

Objection to PHC order. Dated april 24<sup>th</sup>, 2014 and stamped 5/1/2014

RECEIVED

MAY 05 2014

OAH SEATTLE

→ These issues are all separate and should be heard separately. It is too difficult to handle as I am not an attorney. One is hard enough already.

→ The Telephone hearing must remain in effect due to medical issues that could cause a default no appearance dismissal.

→ We request a continuance for more time to receive legal advice and/or representation in these matters, there are so many. She may find an attorney better educated to represent her.

Time to add Additional Medical documentation to support the appellants need for a phone hearing and/or excuse from participation will help support the appellants continued special accommodations that have been in place for good reasons.

Counsel Attorney

XIV  
goldberg  
kelly

Due to medical issues for the client and the representative it is necessary to request a continuance for the same amount of time given to the HCA and AG in December of 2013.

We need more time. 90 to 180 days please. Extensions for all evidence, witnesses and statements, etc.

A Attorney Requested.  
Due process  
DENIED

The HCA was granted a no show from the PHC in August and then given a continuance due to an AAG investigation.

We now, if the AAG and dept investigation is complete may conduct our own investigation through private agencies that cannot investigate until the active investigation is no longer active.

We need to know if the investigation is complete before starting because private investigators will not proceed until the case goes inactive.

Dr Whitehead was told by a manager at his workplace to tell Deoide and myself to find care elsewhere?? Deoide has done nothing to deserve this and I have done nothing to deserve this but we can change nothing. We must have time to find a new PCP. 90 to 180 days seems long but with Medicare and Medicaid patient limits it is terribly hard to find any Drs or clinics who are accepting new clients. Because there are issues with special accommodations during the hearings we need a new PCP or specialist to support them.

I am waiting for Legal advice and asking for more time to prepare and find care while providing care. Thank you, Karl Olson, Rep.

*Karl Olson*

DEOIDE should have been awarded time to get Attorney.

EXHIBIT D.....1 PAGE

9. MAY 5<sup>TH</sup> 2014 REQUEST MADE BY APPELLANT REPRESENT  
KARL OLSON TO CONTINUE HEARING FOR THE PUPOSE OF  
OBTAINING ATTORNEY/ COUNSEL FOR DEOIDE BEFORE  
HEARING ON 5/20/2014.

EXHIBIT D1..... 1 PAGE

10. MAY 8<sup>TH</sup> DSHS OBJECTION FOR COUNSEL

11. MAY 8<sup>TH</sup> ALJ BOIVIN ORDER TO DENY TIME TO OBTAIN  
COUNSEL/ATTORNEY BEFORE 5/20/2014 HEARING



and Mr. Olson was given every opportunity to provided evidence of legitimate conflicts). The letter referenced five docket numbers, four of which were assigned to Seattle OAH, one of which was assigned to Olympia OAH.

4.16 On April 24, 2014, a prehearing conference was held regarding six of Ms. Cunningham's pending cases. On May 1, 2014, a prehearing conference order was issued which consolidated the pending cases and considered the Department's motion to require Ms. Cunningham to appear in person at hearing.

4.17 On April 28, 2014, Seattle OAH received another letter requesting reconsideration of the denial of continued benefits. New irrelevant documents in support of Mr. Olson's position were attached. No action was taken in response.

SEE EXH A  
NOT Decide

4.18 On May 2, 2014, DSHS filed a supplemental witness and exhibits list which included the investigator from the Medicaid Fraud Control Unit and his final report referring the matter for criminal prosecution on one count of Theft in the first degree and one count of Medicaid False Statement. On the same day, DSHS filed a motion to dismiss a number of hearing requests for lack of jurisdiction.

4.19 On May 5, 2014, Mr. Olson filed an objection to the April 24, 2014 prehearing conference order which consolidated most of Ms. Cunningham's pending cases. He also requested a continuance to secure legal advice and/or representation and to complete his own investigation. He renewed his request for a telephone hearing (the hearing was already set by phone) and requested time to gather more medical information in support of the request.

4.20 DSHS objected to the continuance.

Denied Counsel SEE pg 1

4.21 On May 8, 2014, an order was issued confirming the consolidation of the cases and denying the request for a continuance.

4.22 On the same day, an order was issued granting the Department's request to require Ms. Cunningham's physical presence at the hearing and the physical presence of all of her witnesses due to significant issues of credibility.

4.23 On May 16, 2014, the Seattle OAH received a letter dated May 9, 2014, from Seth P. Cowan, ARNP, of Skagit Family Health. The letter was sent to the attention of Judge Smith/Lou Anna civil clerk, regarding Mr. Olson. The letter, entitled Court Continuance Letter and not on letterhead, listed a number of health conditions presented by Mr. Olson when he recently established care at the clinic. Mr. Cowan requested a 90 day continuance of his case. Due to the salutation and other numerous ambiguities in the letter, an OAH case manager contacted Skagit Family Health to verify the letter was meant for OAH and to determine the date of the examination the letter was based on. The responding receptionist confirmed that the letter was intentionally sent to OAH. She was unable or unwilling to provide any information regarding the date of the examination but promised a return call from a superior. No call was received. It appears from DSHS exhibits that the letter was written to secure a continuance in a small claims court case brought by an unpaid massage therapist against Mr. Olson.

EXHIBIT E.....1 PAGE

12. LETTER FROM RACHEL STAUVE HCS DATED 3/26/2013

CONFIRMING DDA HAD NOT TERMINATED ELIGIBILITY, THIS APPLICATION WAS NOT MADE IN ERROR BUT IT DEPRIVED SERVICES WHICH WOULD HAVE BEEN SECURED IF HCA HAD NOT LIED TO HCS. DEOIDE WAS ELIGIBLE FOR BOTH BUT KELLY CLARK CONCEALED THE APPEAL ON 3/8/2013 AND STOLE SERVICES FOR BOTH PROGRAMS

WASHCAP  
PO BOX 45446  
OLYMPIA WA 98504-5446

EXH E



Washington State  
Department of Social  
& Health Services

Phone # 877-380-5784  
TTY/TDD # 877-890-2632  
Toll Free # 877-380-5784

Client ID # 002713278

EXH E

03/26/13

3/26/13

DEOIDE L CUNNINGHAM  
2714 J AVE  
ANACORTES WA 98221-3835

Dear DEOIDE L CUNNINGHAM

HOME AND COMMUNITY SERVICES RECEIVED AN APPLICATION FROM YOU FOR IN HOME SERVICES. WE HAVE VERIFIED THAT DDD HAS NOT TERMINATED YOUR COVERAGE SO WE ARE DENYING THIS APPLICATION THAT CAME TO OUR DEPARTMENT IN ERROR.

Please call me if you have any questions about this letter.

RACHEL STUEVE  
360-416-7423

Concealment deprived Deoide access to this program for services. HCA/DDA lied long enough to get passed appeal deadlines so they could "bury" this. U.S. CONST. amend XIV deprived property,

0208501 002458 001 - 0

EXHIBIT F..... 1 PAGE

13. COMMISSIONER NEELS NOTATION RULING DATED 1/5/2016  
DENYING DSHS MOTION TO STRIKE DISCOVERY EVIDENCE  
DISCOVERY OF THE 3/4/2013 DD CLIENT ELIGIBILITY PAN  
STAMPED 3/8/2013 BY OAH. FILED UNDER 07-2012-HCA-0109  
FILED FOR HEARING ON 3/18/2013 @ 11am (LAW) ALJ Leslie A.  
WAGNER

EXH F

The Court of Appeals  
of the  
State of Washington

RICHARD D. JOHNSON,  
Court Administrator/Clerk

DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750  
TDD: (206) 587-5505

January 5, 2016

John S Meader  
Attorney Generals Office  
PO Box 40124  
Olympia, WA 98504-0124  
johnm6@atg.wa.gov

Deoide Lea Cunningham  
2714 "J" Ave  
Anacortes, WA 98221

Soc & Hlth Svc A.G. Office  
Attorney at Law  
7141 Cleanwater Lane SW  
P O Box 40124  
Olympia, WA 98504-0124  
shsappealnotification@ATG.WA.GOV

Karl I. Olson  
2714 "J" Ave  
Anacortes, WA 98221

Kathryn Krieger  
Office of the Attorney General  
PO Box 40124  
Olympia, WA 98504-0124  
KathrynK1@atg.wa.gov

CASE #: 73713-9-1  
Deoide Lea Cunningham, Appellant v. State of WA., DSHS, Respondent

Counsel:

The following notation ruling by Commissioner Mary Neel of the Court was entered on January 4, 2016, regarding appellant's motion for reinstatement of denied benefits under this appeal; motion to allow us to send documents to one representative:

Appellant's motion to reinstate benefits is denied based on the reasons set forth in DSHS's answer. However, to the extent DSHS seeks to strike new evidence related to the timeliness of appellant's challenge to denial of benefits, the request is denied as it appears the evidence was not previously available and it may be pertinent to the issues in this appeal.

Sincerely,



Richard D. Johnson  
Court Administrator/Clerk

NOT "misfiled"

khn

EXHIBIT G.....17 PAGES

14. PDR RECORDS RELEASE 000001-0000016 WHICH CONFIRM  
3/4/2013 PAN ON DD CLIENT ELIGIBILITY WAS TIMELY FILED  
ON 3/8/2013 FOR HEARING ON 3/18/2013 UNDER 07-2012-HCA-  
0109 WITH ALJ (LAW) LESLIE A. WAGNER ON 3/18/2013 @ 11am.  
THE APPEAL IS 4 PAGES PDR 000013-0000016 IN WRITING BY  
NSA NANCY L. OLSON. PROPERLY STAMPED AND DATED FOR  
ALJ WAGNERS HEARING ON 3/18/2013 @ 11AM. IT IS  
SUBMITTED AND FILED EXACTLY AS KELLY CLARKS  
DOCUMENTS WERE FILED. 17<sup>TH</sup> PAGE IS CONFIRMATION,  
PROVIDED AFTER PAGE 0000016 WHICH FORENSICALLY  
CONFIRMS AUTHENTIC FILING. ALSO CONFIRMS KELLY  
CLARKS REQUEST TO HEAR THE MATTERS UNDER 0109  
BECAUSE THEY ARE RELATED. SHE WAS PREMATURE TO  
FILE AND FAILED TO GAIN A CONTINUANCE. SHE  
CONCEALED THIS APPEAL AT HEARING, UNDER SWORN  
TESTIMONY ON 3/18/2013. THERE WAS JURISTITION AND SHE  
AND THE ALJ EACH KNEW THEY WERE CONCEALING THE  
TRUTH.

SEE 000013-000016  
Appeal Filed 3/8/13 present

EXH G

(NOT  
misfiled)

BEFORE THE STATE OF WASHINGTON OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE HEALTH CARE AUTHORITY

Filed  
↙

In Re:  
DEOIDE CUNNINGHAM  
Appellant

Docket No. 07-2012-HCA-0109  
HCA Client ID 774153  
ORDER OF DISMISSAL

MAILED

MAR 25 2013

SEATTLE - OAH

At the time of the hearing on March 18, 2013, the Health Care Authority (HCA) rescinded its Plan Action Notice dated June 27, 2012 at issue for the hearing and moved to dismiss the hearing based upon lack of jurisdiction. The Motion of HCA is granted.

FALSE

Concealment

IT IS ORDERED that the above proceedings are DISMISSED. WAC 182-526-0085 and -0215.

NOTICE TO APPELLANT: This decision becomes the final administrative decision unless a party files a petition for review. WAC 182-526-0580. You must write the Board of Appeals (BOA), or the Office of Administrative Hearings (OAH). WAC 182-526-0290. The mailing address for BOA and/or OAH is as follows:

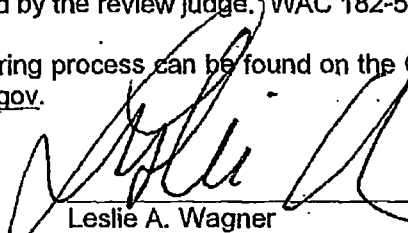
Board of Appeals  
PO Box 45803  
Olympia, WA 98504-5803

Seattle Office of Administrative Hearings  
One Union Square, Suite 1500  
600 University Street  
Seattle, WA 98101

The Board of Appeals (BOA) must receive the written review request of an initial order on or before 5:00 p.m. on the twenty-first calendar day after the initial order was served, unless an extension of the deadline is granted by the review judge. WAC 182-526-0580.

General information about the hearing process can be found on the Office of Administrative Hearings web site at [www.oah.wa.gov](http://www.oah.wa.gov).

Served on the date of mailing:

  
\_\_\_\_\_  
Leslie A. Wagner  
Administrative Law Judge  
Office of Administrative Hearings  
LAW

A copy was sent to:

Deoide Cunningham, Appellant  
Karl Olson, Appellant Representative  
Kelly Clark, Department Representative  
Shannon Manion, Program Administrator  
Annette Schuffenhauer, Program Administrator  
Bruce Work, Program Administrator

EXH G

PETITION TO REINSTATE APPEAL

Name: \_\_\_\_\_ Docket Number: \_\_\_\_\_

I petition to have my appeal reinstated. My good cause to have my appeal reinstated is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone:

\_\_\_\_\_

**MAILED**  
MAR 25 2013  
**SEATTLE - OAH**



EXH G

**DO NOT MAIL THIS PAGE!  
-- FOR FILE ONLY --**

Docket No. 07-2012-HCA-0109  
Document: Dismissal

Dated at Seattle, Washington on March 18, 2013 and mailed to the following:

Deoide L. Cunningham (Appellant)  
1530 William Way Apt 206  
Mount Vernon, WA 98273

Karl Olson (Appellant Representative)  
2714 J Ave  
Anacortes, WA 982213835

Kelly Clark (Department Representative)  
Division of Developmental Disabilities, Reg 2  
1700 E. Cherry St., Suite 200  
Seattle, WA 98122

Shannon Manion (Department Contact)  
Developmental Disabilities  
640 Woodland Square Loop SE  
Lacey, WA 98504-5310

Bruce Work, AAG (Department Contact)  
Developmental Disabilities  
PO Box 40124  
Olympia, WA 98504-0124

Annette Schuffenhauer (Program Administrator)  
Department Representative  
Health Care Authority  
PO Box 45504  
MS: 45504  
Olympia, WA 98504-5504

**MAILED**  
MAR 25 2013  
**SEATTLE - OAH**

**MAILED**  
MAR 25 2013  
**SEATTLE - OAH**

**DO NOT MAIL THIS PAGE - FOR FILE ONLY**

0109

ALJ Leslie Wagner

3/18  
11:00  
DOP

RECEIVED

Filed →

MAR 08 2013

OAH SEATTLE

LW  
↑

**CERTIFICATE OF MAILING / SERVICE**  
I certify under penalty of perjury under the laws of the State of Washington that I served all parties and/or counsel of record a copy of this document via:  
 first class mail, postage prepaid, and/or  
 fax transmission, on March 6, 2013.  
Dated this March 6, 2013 at Seattle, WA.

*Kelly A. Clark*

**BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
SEATTLE, WASHINGTON**

In Re:

Docket No. 07-2012-HCA-0109

DEODE CUNNINGHAM,

HCA MOTION TO CONTINUE HEARING

Appellant.

The Department of Social and Health Services (DSHS), Division of Developmental Disabilities (DDD), by and through its representative, Kelly A. Clark, renews its motion to continue the telephone hearing presently scheduled for March 18, 2013 before ALJ Leslie Wagner. This motion is based upon the Departments Exhibits 1 through 11, previously filed, its supplemental exhibits 12 through 16 filed contemporaneously with this motion today, and the declaration below.

DATED this 6<sup>th</sup> day of March, 2013.

*Kelly A. Clark*

KELLY A. CLARK, WSBA #16014  
Department Representative

**DECLARATION**

I, Kelly A. Clark, Authorized Representative for the Department of Social and Health Services, do hereby declare that:

HCA MOTION TO CONTINUE HEARING /  
DECLARATION OF KELLY A. CLARK-1

DSHS DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E. Cherry St., M/S N46-6  
SEATTLE, WA 98102-4805

PDR-2015-379 000004

Filed

3/18/13 ALS WAGNER

1 1. I am over the age of 18 years, and am otherwise competent to make this declaration.

2 2. Since the Order on Prehearing Conference dated October 15, 2012 setting this  
3 matter for hearing on March 18, 2013, the Department has discovered evidence which indicates  
4 that Ms. Cunningham may not have been residing in the state of Washington during a period of  
5 time in which she was allegedly receiving paid personal care services from her care  
6 provider/representative, Karl Olson. This evidence is contained in Department Exhibits 7, 8, 9, 10,  
7 and 12. This period of time includes the period leading up to the Department's decision to  
8 terminate Ms. Cunningham's waiver services due to her failure to cooperate with the Department  
9 in providing necessary medical information, as well as her failure to cooperate in scheduling of her  
assessment and related appointments with Department staff.

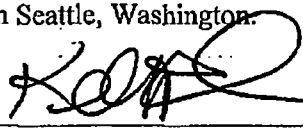
10 3. Based on this new information, the DDD Region 2 North Intake and Eligibility  
11 Supervisor, after consultation with other management and staff, prepared and mailed a new  
12 Planned Action Notice (PAN) on March 4, 2013, notifying Ms. Cunningham and her NSA, Nancy  
13 Olson (Karl Olson's mother), that the Department would be terminating her DDD eligibility, along  
14 with her DDD paid services, effective April 1, 2013. There is no doubt that Ms. Cunningham will  
15 request a hearing on this matter as well.

16 4. Given that bases for both the current action and the eligibility termination appear  
17 very much connected, and that these matters have been referred for further formal investigation,  
18 the Department requests that the services termination hearing on March 18, 2013 be continued and  
19 subsequently consolidated with the inevitable eligibility termination proceeding.

20 5. Ms. Cunningham continues to be eligible to receive in-home personal care services  
21 pending a final order on this matter.

22 Under penalty of perjury under the laws of the State of Washington, I declare the foregoing  
23 to be true and correct.

24 DATED this 6th day of March 2013, in Seattle, Washington.

  
Kelly A. Clark

RECEIVED  
MAR 08 2013  
OAH SEATTLE

OATH

Filed

HCA MOTION TO CONTINUE HEARING /  
DECLARATION OF KELLY A. CLARK-2

DSHS DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E. Cherry St., M/S N46-6

PDR-2015-379 000005

We agreed to hear this on  
3/18/13 on BOTH PANS

ALJ Wagner

3/18  
11:00  
LAW

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CERTIFICATE OF MAILING / SERVICE  
I certify under penalty of perjury under the laws of the State of Washington that I served all parties and/or counsel of record a copy of this document via:  
 first class mail, postage prepaid, and/or  
 fax transmission, on March 6, 2013.  
Dated this March 6, 2013 at Seattle, WA.

*[Signature]*

Filed

RECEIVED  
MAR 07 2013  
OAH SEATTLE

BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
SEATTLE, WASHINGTON

In Re:

Docket No. 07-2012-HCA-0109

DEOIDE CUNNINGHAM,

Appellant.

HCA SUPPLEMENTAL WITNESS &  
EXHIBIT LIST

The Department of Social and Health Services (DSHS), Division of Developmental Disabilities (DDD), by and through its representative, Kelly A. Clark, submits to all parties its supplemental list of witness and exhibits as follows:

SUPPLEMENTAL LIST OF WITNESSES

The following additional people may be called by DDD to testify in the above-referenced matter:

5. Jeff Quigley, Adult Protective Services Supervisor  
DSHS Home and Community Services  
840 N. Broadway, Bldg. A, Suite 330  
Everett, WA 98201  
(425) 339-3851

Mr. Quigley will testify regarding his inquiry into Appellant's residence over the past years, including the period in issue in this proceeding, and other related issues.

6. Bree Maldonado, Associate Director of Human Services  
Argosy University, San Diego Campus  
1615 Murray Canyon Road, Suite 100  
San Diego, CA 92108  
(619) 321-3083

ALJ Wagner.  
Filed 0109/3/18

Ms. Maldonado may testify regarding Appellant's relationship with Argosy University, San Diego campus over the past few years, including the period in issue in this proceeding.

RECEIVED

MAR 07 2013

SUPPLEMENTAL LIST OF EXHIBITS

OAH SEATTLE

12. Accurant for Government "Advanced Person Search Results" report for Deoide Cunningham, database search performed by Jeff Quigley on March 5, 2013, (4 pages);

13. Letter dated June 1, 2012 from DDD Case Manager Norma Garza to Deoide Cunningham and Karl Olson, regarding the Department's need to obtain medical information, as well the expectation of cooperation by Ms. Cunningham and Mr. Olson, (2 pages);

14. Copies of DSHS "Consent" forms provided by Karl Olson to DDD on March 4, 2013, following the prehearing conference on that morning, (4 pages);

15. DDD Planned Action Notice (PAN), dated March 4, 2013, terminating Appellant's DDD eligibility, based on information that she no longer resides in the state of Washington, (4 pages); and

16. DDD "Service Episode Records (SERs) for March 4 and 5, 2013, (1 pages).

*The Department reserves the right to submit Appellant's medical records obtained through the consent forms that were provided by Mr. Olson on March 4, 2013 as additional exhibits, if such become available prior to hearing.*

RESPECTFULLY SUBMITTED this 6th day of March, 2013.

KELLY A. CLARK, WSBA #16014  
Department Representative

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Designation to ALJ Wagner

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**CERTIFICATE OF MAILING / SERVICE**  
I certify under penalty of perjury under the laws of the State of Washington that I served all parties and/or counsel of record a copy of this document via:  
[X] first class mail, postage prepaid, and/or  
[ ] fax transmission, on February 28, 2013.  
Dated this February 28, 2013 at Seattle, WA.

RECEIVED

Filed → MAR 01 2013

OAH SEATTLE

**BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
SEATTLE, WASHINGTON**

In Re:  
  
DEOIDE CUNNINGHAM,  
  
Appellant.

Docket No. 07-2012-HCA-0109 0109  
**DDD WITNESS & EXHIBIT LIST**

The Department of Social and Health Services (DSHS), Division of Developmental Disabilities (DDD), by and through its representative, Kelly A. Clark, submits to all parties its list of witness and exhibits as follows:

**LIST OF WITNESSES**

The following people may be called by DDD to testify in the above-referenced matter:

1. Norma Garza, Case Manager  
DSHS Division of Developmental Disabilities  
275 SE Pioneer Way, Suite 203  
Oak Harbor, WA 98277  
Ms. Garza will testify regarding all issues relating to the termination of services in issue.
2. Rod Duncan, Supervisor  
DSHS Division of Developmental Disabilities  
900 E Mt. Vernon, WA 98273  
360.416.7268  
Mr. Duncan will testify regarding all issues relating to the termination of services in issue.
3. Appellant Deoide Cunningham.

DDD WITNESS & EXHIBIT LIST - 1

DSHS DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E. Cherry St., M/S N46-6  
PDR-2015-379 000008

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4. The undersigned may testify regarding conversations with Appellant's personal care provider, Karl Olson, as well as the exhibits submitted herewith.

**LIST OF EXHIBITS**

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OAH SEATTLE

1. DDD "Planned Action Notice," dated June 27, 2012, (18 pages);
2. Request for Hearing, dated received by OAH July 12, 2012, (2 pages);
3. DDD ISP "Service Summary," dated February 24, 2012, (6 pages);
4. Fax from Karl Olson to OAH, dated April 5, 2012, (3 pages);
5. Power of Attorney, dated July 29, 2008, (4 pages);
6. Skagit County Superior Court filing from Karl Olson on behalf of Deoide Cunningham, Docket No. 09-2-02474-2, dated February 10, 2012, (3 pages);
7. Argosy University Sharepoint website for Deoide Cunningham, posted March 2, 2012, copied and pasted into a Word document, (10 pages);
8. Screen prints of Argosy University Sharepoint website for Deoide Cunningham, posted March 2, 2012, (31 pages);
9. Copy of Slidshare.net site for Deoide Cunningham article "The Rhyme or Reason of Cybercrime," posted February 29, 2012, (3 pages);
10. Printout of MyLife.com website listing for Deoide Cunningham, noting current residence in San Diego, California, printed February 28, 2013, (1 page); and
11. DDD "Service Episode Records (SERs) for January 1, 2012 through February 25, 2013, (34 pages).

RESPECTFULLY SUBMITTED this 28th day of February 2013.

  
 \_\_\_\_\_  
 KELLY A. CLARK, WSBA #16014  
 Department Representative

FAX

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DDD

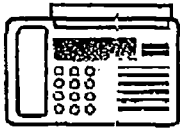
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ALT WAGNER

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11:00

**F A X**

DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E Cherry St (N46-6)  
Seattle WA 98102  
206-568-5700



Pages: \_\_\_\_\_  
(including cover sheet)

To: OAH  
Fax number: (206) 587-5135

TO:  
Fax number:

From: KELLY A. CLARK  
Administrative Hearings Manager  
DDD Region 2 - King County  
Fax number: (206) 720-3334

Date:

Regarding:  
Appellant: DELOIDE CUNNINGHAM  
Docket No: 07-2012-HEA-0189  
Matter: MOTION TO CONTINUE HEARINGS  
(RENEWED)

Phone number for follow-up:  
KELLY A. CLARK - (206) 568-5823

Comments:

ATTN: ALT WAGNER

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If you do not receive all pages, or transmittal is unreadable, please notify the above individual.

Information in this fax is considered privileged and confidential. It is intended only for the use of the recipient named above (or the employee or agent responsible to deliver it to the intended recipient). If you receive this in error, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this in error, please notify sender immediately.

PDR-2015-379 000010



EXHG

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Same as  
our appeal →

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**CERTIFICATE OF MAILING / SERVICE**  
I certify under penalty of perjury under the laws of the State of Washington that I served all parties and/or counsel of record a copy of this document via:  
[X] first class mail, postage prepaid, and/or  
[ ] fax transmission, on March 6, 2013.  
Dated this March 6, 2013 at Seattle, WA.

[Signature]

**BEFORE THE WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
SEATTLE, WASHINGTON**

In Re:  
  
DEOIDE CUNNINGHAM,  
  
Appellant.

Docket No. 07-2012-HCA-0109  
  
HCA MOTION TO CONTINUE HEARING

The Department of Social and Health Services (DSHS), Division of Developmental Disabilities (DDD), by and through its representative, Kelly A. Clark, renews its motion to continue the telephone hearing presently scheduled for March 18, 2013 before ALJ Leslie Wagner. This motion is based upon the Departments Exhibits 1 through 11, previously filed, its supplemental exhibits 12 through 16 filed contemporaneously with this motion today, and the declaration below.

DATED this 6<sup>th</sup> day of March, 2013.

DR → [Signature]  
KELLY A. CLARK, WSBA #16014  
Department Representative

**DECLARATION**

I, Kelly A. Clark, Authorized Representative for the Department of Social and Health Services, do hereby declare that:

**HCA MOTION TO CONTINUE HEARING /  
DECLARATION OF KELLY A. CLARK- 1**

DSHS DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E. Cherry St., M/S N46-8  
Seattle, WA 98122-4695  
Tel: (206) 568-5823  
Fax: (206) 720-3334

PDR-2015-379 000011

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EXH G

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1. I am over the age of 18 years, and am otherwise competent to make this declaration.

2. Since the Order on Prehearing Conference dated October 15, 2012 setting this matter for hearing on March 18, 2013, the Department has discovered evidence which indicates that Ms. Cunningham may not have been residing in the state of Washington during a period of time in which she was allegedly receiving paid personal care services from her care provider/representative, Karl Olson. This evidence is contained in Department Exhibits 7, 8, 9, 10, and 12. This period of time includes the period leading up to the Department's decision to terminate Ms. Cunningham's waiver services due to her failure to cooperate with the Department in providing necessary medical information, as well as her failure to cooperate in scheduling of her assessment and related appointments with Department staff.

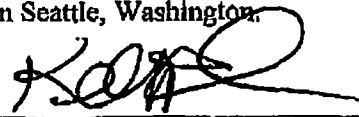
3. Based on this new information, the DDD Region 2 North Intake and Eligibility Supervisor, after consultation with other management and staff, prepared and mailed a new Planned Action Notice (PAN) on March 4, 2013, notifying Ms. Cunningham and her NSA, Nancy Olson (Karl Olson's mother), that the Department would be terminating her DDD eligibility, along with her DDD paid services, effective April 1, 2013. There is no doubt that Ms. Cunningham will request a hearing on this matter as well.

4. Given that bases for both the current action and the eligibility termination appear very much connected, and that these matters have been referred for further formal investigation, the Department requests that the services termination hearing on March 18, 2013 be continued and subsequently consolidated with the inevitable eligibility termination proceeding.

5. Ms. Cunningham continues to be eligible to receive in-home personal care services pending a final order on this matter.

Under penalty of perjury under the laws of the State of Washington, I declare the foregoing to be true and correct.

DATED this 6th day of March 2013, in Seattle, Washington.

  
\_\_\_\_\_  
Kelly A. Clark

HCA MOTION TO CONTINUE HEARING /  
DECLARATION OF KELLY A. CLARK- 2

DSHS DIVISION OF DEVELOPMENTAL  
DISABILITIES  
1700 E. Cherry St., M/S N46-6  
Seattle, WA 98122-4695  
Tel: (206) 568-5823  
Fax: (206) 720-3334

PDR-2015-379 000012

4 pages submitted together on 3/18/13

EXHG

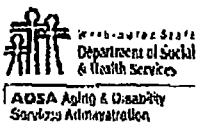
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3/18/13 @ UAM  
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Pg 1 of 4

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LAW



Division of Developmental Disabilities (DDD)

**Planned Action Notice**

Date of Notice  
03/04/2013

RECEIVED

Client Name and Address  
Deolde L. Cunningham  
2714 J Avenue  
Anacortes, WA 98221

MAR 08 2013  
OAH SEATTLE

Representative Name and Address  
Nancy Olson  
2714 J Ave.  
Anacortes, WA 98221

**Planned Action**

ADSA/DDD is taking the following action regarding your eligibility determination.

The following action(s) will be effective on **04/01/2013**.

Program	Action
DDD Client Eligibility	Terminated

**Reason(s) for this action:**

You are NOT eligible to be a client of DDD because:  
 You are not a Washington state resident.

**Other Reasons:** Our records indicate that you no longer reside in Washington State and currently reside in San Diego, California.

Termination or Expiration of DDD eligibility does not affect participation in special education programs or SSI eligibility.

1020

This action is being taken per the following authority:

WAC 388-823-1020  
 Can DDD terminate my eligibility if I no longer am a resident of the state of Washington?  
 DDD will terminate your eligibility if you lose residency in the state of Washington as defined in WAC 388-823-0050.

WAC 388-823-0050  
 Must I be a resident of the state of Washington?  
 When you apply for eligibility with DDD, you must be a resident of the state of Washington. Proof of residency includes:

(1) The receipt of medicaid or other benefits from the department of social and health services that require residency as a condition of eligibility; or

(2) Documentation that shows you live in the state of Washington, or, if you are a child under the age of eighteen, documentation that shows your parent or legal guardian lives in the state of Washington.

[Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.050, 71A.16.060, 71A.16.070, 71A.16.080, 71A.16.090, 71A.16.100, 71A.16.110, 71A.16.120, 71A.16.130, 71A.16.140, 71A.16.150, 71A.16.160, 71A.16.170, 71A.16.180, 71A.16.190, 71A.16.200, 71A.16.210, 71A.16.220, 71A.16.230, 71A.16.240, 71A.16.250, 71A.16.260, 71A.16.270, 71A.16.280, 71A.16.290, 71A.16.300, 71A.16.310, 71A.16.320, 71A.16.330, 71A.16.340, 71A.16.350, 71A.16.360, 71A.16.370, 71A.16.380, 71A.16.390, 71A.16.400, 71A.16.410, 71A.16.420, 71A.16.430, 71A.16.440, 71A.16.450, 71A.16.460, 71A.16.470, 71A.16.480, 71A.16.490, 71A.16.500, 71A.16.510, 71A.16.520, 71A.16.530, 71A.16.540, 71A.16.550, 71A.16.560, 71A.16.570, 71A.16.580, 71A.16.590, 71A.16.600, 71A.16.610, 71A.16.620, 71A.16.630, 71A.16.640, 71A.16.650, 71A.16.660, 71A.16.670, 71A.16.680, 71A.16.690, 71A.16.700, 71A.16.710, 71A.16.720, 71A.16.730, 71A.16.740, 71A.16.750, 71A.16.760, 71A.16.770, 71A.16.780, 71A.16.790, 71A.16.800, 71A.16.810, 71A.16.820, 71A.16.830, 71A.16.840, 71A.16.850, 71A.16.860, 71A.16.870, 71A.16.880, 71A.16.890, 71A.16.900, 71A.16.910, 71A.16.920, 71A.16.930, 71A.16.940, 71A.16.950, 71A.16.960, 71A.16.970, 71A.16.980, 71A.16.990, 71A.16.1000]

0050

PDR-2015-379 000013

\* improper notice, Nothing about issue other than Residency. \* suddenly it was about not having epilepsy.

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2nd page of 4

EXH G

What Happens Next?		
You currently received paid services through DDD and the following services will terminate when your eligibility expires or terminates: (RCW 71A.16.020)		
Service	Program	Action
	Basic Plus Waiver w/Pers. Care	Terminated
PC Mileage Reimbursement	Basic Plus Waiver w/Pers. Care	Terminated
Personal Care	Basic Plus Waiver w/Pers. Care	Terminated

**Your Appeal Rights**

You have ninety (90) days from the receipt of this notice to appeal this action.

- If your request is filed by 03/31/2013 these paid services will automatically continue.
- If you do not want these paid services to continue contact your case/resource manager.
- If you choose to continue to receive these paid services and the hearing decision upholds the department's actions, you may be responsible to repay up to 60 days of paid services.
- If these paid services are terminating because your medical benefits were terminated, you may be responsible to repay both the paid services you received and the medical benefits from the date your medical benefits were terminated.

You have the following rights:

- To have another person represent you (DSHS does not pay for attorneys, but free or low cost legal assistance may be available in your community. For additional information call 1-888-201-1014);
- To receive copies of all information used by ADSA in making its decision, and to view and copy your ADSA file (except for any documents that are exempt from disclosure under state or federal law or parts of the file that contain confidential information about other clients). Your case/resource manager can assist you to obtain this information;
- To submit documents into evidence;
- To testify at the hearing and to present witnesses to testify on your behalf; and
- To cross examine witnesses testifying for the department.

A form for requesting an administrative hearing is included.

RECEIVED  
MAR 08 2013  
OAH SEATTLE

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Filed →

Who can I contact for information?	
Name: Rod A Duncan	Telephone: (360)416-7268
Staff Address: 900 E. College Way, Suite 110 Mount Vernon, WA 98273-5625	E-Mail Address: duncara@dshs.wa.gov

Same process as Filing the DR's items under 0109

→ PDR-2015-379 000014

4 pages  
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**DDD Planned Action Notice  
Decisions  
Request For Hearing**  
Per Chapter 388-02 and 388-526  
for DSHS hearing rules.

FOR AGENCY USE ONLY	
<input type="checkbox"/> Oral request taken by:	
NAME	TELEPHONE NUMBER
INVOLVED DIVISION/ORGANIZATION	

MAIL TO: OFFICE OF ADMINISTRATIVE HEARING (OAH), MAIL STOP: 42489  
PO BOX 42489  
OLYMPIA WA 98504-2489

**FAX: 360-586-6563**

I request a hearing because I disagree with the following action taken by the Division of Developmental Disabilities (DDD). Check each action you wish to appeal.

Program	Action
<input checked="" type="checkbox"/> DDD Client Eligibility	Terminated

YOUR NAME (PLEASE PRINT) <u>Deoide Cunningham</u>			DATE OF BIRTH <u>9-8-74</u>		
ADDRESS OF PERSON REQUESTING HEARING <u>2714 J Avenue</u>			CLIENT ID NUMBER <u>774153</u>		
CITY <u>Anacortes</u>	STATE <u>Wa.</u>	ZIP CODE <u>98221</u>	TELEPHONE NUMBER (INCLUDE AREA CODE) <u>360-420-8065</u>	<input checked="" type="checkbox"/> MESSAGE PHONE	
I was notified of the decision on: <u>3-6-13</u> DATE					
by: <u>DDD Mount Vernon PSC, Mount Vernon</u> DSHS OFFICE NAME AND LOCATION					
I request that my services continue at the same level during the course of this appeal: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Program: <u>DDD 3</u>					

I am represented by (if you are going to represent yourself, do not fill in the next two lines):

YOUR REPRESENTATIVE'S NAME <u>Karl E. Olson</u>		ORGANIZATION		TELEPHONE NUMBER <u>360-420-8065</u>	
ADDRESS STREET <u>2714 J AVE.</u>		CITY <u>Anacortes</u>		STATE <u>Wa.</u>	ZIP CODE <u>98221</u>
<input checked="" type="checkbox"/> I authorize release of information about my hearing to my representative.					
YOUR SIGNATURE <u>Nancy E. Olson NSA</u>				DATE <u>3-7-13</u>	
Do you need an interpreter or other assistance or accommodation for the hearing? <u>Telephone Hearings.</u>					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

3/7/13  
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on  
3/8/13

Call us for times prior to setting dates

PDR-2015-379 000015

TOTAL P.004

Just as the DR.

If yes, what language or what assistance? Telephone Hearing  
Administrative Law Judges (ALJ's) may hold some hearings by telephone. If you want to change to an in-person hearing, follow the instructions in the Notice of Hearing that will be mailed to you by OAH.

Sent upside down for authentic proof. from  
3/7/13 submission. (NEXT page)

only page #1 Needs to be stamped.  
When several are submitted in one  
Filing. Clearly filed for 0109 on  
3/18 @ 11 AM (LAW) ALJ Wagner.

\* SEE NEXT Page \*

Confirmation upsidedown  
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\* Same forensic font \*

3/7/13

\*\*\*\*\* -COMM. JOURNAL- \*\*\*\*\* DATE MAR-07-2013 \*\*\*\*\* TIME 12:05 \*\*\*\*\*

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END=MAR-07 12:05

FILE NO.=476

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This action is being taken per the following authority:

WAC 388-823-1020 Can DDD terminate my eligibility if I no longer am a resident of the state of Washington?  
 DDD will terminate your eligibility if you lose residency in the state of Washington as defined in WAC 388-823-0050.

WAC 388-823-0050 When you apply for eligibility with DDD, you must be a resident of the state of Washington. Proof of residency includes:

(1) The receipt of Medicaid or other benefits from the department of social and health services that require residency as a condition of eligibility; or

(2) Documentation that shows you live in the state of Washington, or, if you are a child under the age of eighteen, documentation that shows your parent or legal guardian lives in the state of Washington.

Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW, 05-12-130, § 388-823-0050, filed 6/1/05, effective 7/2/05.

←

0050

1020

Planned Action: ADSA/DDD is taking the following action regarding your eligibility determination. The following action(s) will be effective on 04/01/2013.

Program	Action
DDD Client Eligibility	Terminated

Reason(s) for this action:  
 You are NOT eligible to be a client of DDD because:  
 You are not a Washington state resident.  
 Other Reasons: Our records indicate that you no longer reside in Washington State and currently reside in San Diego, California.  
 Termination or Expiration of DDD eligibility does not affect participation in special education programs or SSI eligibility.

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Client Name and Address: Deolde L Cunningham, 2714 J Avenue, Anacortes, WA 98221

Representative Name and Address: Nancy Olson, 2714 J Ave., Anacortes, WA 98221

EXHG

NO. 95346-5

THE SUPREME COURT  
OF THE STATE OF WASHINGTON

SUPREME COURT NO. 95346-5 - DEOIDE LEA CUNNINGHAM v. STATE OF WASHINGTON, DSHS  
COURT OF APPEALS NO. 73713-9-I DEPT OF SOCIAL & HEALTH SERVICES

Declaration of service on 2/27/18 for EMERGENCY MOTIONS 17.4(b)

Date/ February 27, 2018

I Karl Ivan Olson certify that on February 27, 2018, I mailed true copies of the enclosed documents to all the parties listed below by USPS First Class mail.



Kathryn Krieger AAG 7141 cleanwater DR SW PO BOX 40124 Olympia WA, 98504

Soc & Hlth Svc AG office 7141 cleanwater DR SW PO BOX 40124 Olympia WA 98504