

SUPREME COURT OF NORTH DAKOTA

Hendrickson v. Olson

760 N.W.2d 116 (N.D. 2009) · No. No. 20080164 · Decided February 3, 2009

SUMMARY

The Supreme Court of North Dakota affirmed a judgment upholding the Department of Human Services' denial of Melanie Hendrickson's application for Medicaid benefits as an incapacitated parent. The court held that Hendrickson received a fair administrative hearing despite restrictions on her non-lawyer advocate's use of leading questions and that the evidence supported the finding that her incapacity did not last at least thirty days.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Kapsner, Justice; Kapsner; Gerald W. Vande Walle, C.J.; Mary Muehlen Maring; Daniel J. Crothers; Dale V. Sandstrom
JURISDICTION	North Dakota
DECIDED	February 3, 2009
DOCKET	No. 20080164
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court judgment affirming the North Dakota Department of Human Services' denial of Hendrickson's application for Medicaid benefits as an incapacitated parent.
STANDARD OF REVIEW	Under N.D.C.C. § 28-32-46, the Court reviews whether the agency's findings of fact are supported by a preponderance of the evidence, whether its conclusions of law are sustained by its findings, and whether its decision is supported by those conclusions. The Court does not make independent factual findings or substitute its judgment for the agency's; it asks whether a reasoning mind could reasonably determine that the agency's factual conclusions were supported by the weight of the evidence. Questions of law are fully reviewable.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential
PARTIES	Melanie Hendrickson v. Carol K. Olson, Director, North Dakota Department of Human Services

TOPICS

medicare medicaid

administrative law

judicial review of agency action

due process

evidence

PRACTICE AREAS

administrative law

health law

Medicaid benefits

administrative procedure

evidence

QUESTIONS PRESENTED

1. Whether Hendrickson received a fair administrative hearing when the administrative law judge applied the North Dakota Rules of Evidence, prohibited her non-lawyer advocate from asking leading questions, and admitted an employer letter into evidence.
2. Whether the Department's finding that Hendrickson was not an incapacitated parent under N.D. Admin. Code § 75-02-02.1-15 was supported by a preponderance of the evidence and complied with applicable law.

HOLDINGS

1. Hendrickson was afforded a fair administrative hearing and was not prejudiced by the administrative law judge's application of the evidentiary rules or regulation of her advocate's questioning.
2. The Department's finding that Hendrickson was not incapacitated for thirty days or more was supported by a preponderance of the evidence and complied with the applicable Medicaid regulations.

KEY QUOTATIONS

"Under that statutory language, 'the Rules of Evidence are to be the norm in administrative practice, and... any deviation from that norm must be carefully considered and explained.'" (760 N.W.2d at 121)

"This record does not support Hendrickson's claim that either she or her representative was unduly hindered in presenting her case." (760 N.W.2d at 122)

FACTUAL BACKGROUND

Hendrickson underwent gall bladder surgery on April 24, 2007. On May 3, her physician released her to return to work but restricted her from lifting for four weeks; because her daycare job required lifting and her employer could not accommodate the restriction, she returned to that employer on May 23. She applied for Medicaid benefits as an incapacitated parent, but the State Review Team and Department concluded that she could perform other work and was not incapacitated for at least thirty days.

PROCEDURAL HISTORY

Hendrickson applied for Medicaid benefits through Grand Forks County Social Services, asserting eligibility as an incapacitated parent. The county denied the application, the Department adopted an administrative law judge's recommended decision denying benefits, and the district court affirmed. The North Dakota Supreme Court affirmed the district court judgment.

DISPOSITION

affirmed

CASES CITED

- Christofferson v. North Dakota Department of Health, 2007 ND 199, 742 N.W.2d 799
- Ohlson v. North Dakota Department of Human Services, 552 N.W.2d 73 (N.D. 1996)
- Powers Fuels, Inc. v. Elkin, 283 N.W.2d 214 (N.D. 1979)
- Tedford v. Workforce Safety & Insurance, 2007 ND 142, 738 N.W.2d 29
- Goldberg v. Kelly, 397 U.S. 254 (1970)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Barnett v. North Dakota Department of Human Services, 551 N.W.2d 557 (N.D. 1996)
- Morrell v. North Dakota Department of Transportation, 1999 ND 140, 598 N.W.2d 111
- Estate of Robertson v. Cass County, 492 N.W.2d 599 (N.D. 1992)
- Madison v. North Dakota Department of Transportation, 503 N.W.2d 243 (N.D. 1993)