

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Debra Hoffman and Bruce Hoffman,)
)
 Petitioners,)
)
 v.)
)
 Beaufort Memorial Hospital,)
)
 Respondent.)

Docket No. 12-ALJ-30-0568-CC

ORDER

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APR 21 2014

SC Court of Appeals

APPEARANCES: For the Petitioners: Bruce Hoffman, Esq.
For the Respondent: Thomas A. Bendle, Jr., Esq.

This matter comes before the South Carolina Administrative Law Court (ALC or Court) upon a request for a contested case hearing by Petitioners Debra Hoffman and Bruce Hoffman (Petitioners) challenging the amounts on seven open patient accounts that they have with Beaufort Memorial Hospital (Respondent). A hearing on this matter was held at the ALC on January 22, 2014.

FINDINGS OF FACT

Having observed the witnesses and exhibits presented at the hearing and closely passed upon their credibility, and taking into consideration the burden of proof upon the parties, the Court makes the following findings of fact by a preponderance of the evidence:

Petitioner Debra Hoffman has six (6) active patient accounts with Beaufort Memorial Hospital whereby she is either the individual account holder or the guarantor for an account created for services rendered to her daughter, Chelsea Hoffman. Those accounts include Account No.(s): 01617590; 01513607; 01458825; 01101462; 01623074; and 01190258.

Petitioner Bruce Hoffman has one (1) active individual patient account with Beaufort Memorial Hospital, Account No. 01659027.

On or about December 31, 2012, Petitioners petitioned this Court for a contested case hearing, challenging the charges from Beaufort Memorial Hospital as to all seven (7) aforementioned accounts. Previous administrative challenges had been filed by Petitioners and hearings were held for some, but not all of the accounts. Beaufort Memorial Hospital held

administrative hearings for matters relating to Account No.(s): 01101462, 01190258, and 01228720. Petitioners did not timely file their appeal for a contested hearing with the ALC as to these accounts.

Petitioners timely requested administrative hearings challenging the account balances on the following accounts: 01617590; 01513607; and 01458825, but Respondent failed to schedule and conduct the administrative hearings to which Petitioners were entitled on these accounts.

At the hearing in this matter, Petitioner Bruce Hoffman waived his rights to challenge the garnishment of his tax refund and balance of his account, Account No. 01659027, both on an administrative and ALC level.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Court concludes the following as a matter of law:

Administrative hearings were timely had and decisions timely made with respect to Petitioners' challenges to the following accounts: Account No.(s) 01101462; 01190258; and 01228720. However, Petitioners failed to file their appeal(s) with the ALC within the statutory time frames as set forth in S.C. Code Ann. §12-56-65 (2014) (Setoff Debt Collection Act). Therefore, Petitioners' tax returns are eligible to be garnished under the State Debt Setoff Program to satisfy the delinquent balances of the aforementioned accounts.

Petitioners timely requested administrative hearings to challenge the setoff notice as to account numbers 01617590; 01513607; and 01458825. But the Respondent failed to schedule and conduct the administrative hearings to which Petitioners were entitled on these accounts. Therefore, I find that those matters should be remanded for an administrative level for hearing. Beaufort Memorial Hospital shall set a mutually convenient hearing date and time so that Petitioners may challenge the legitimacy of the alleged debt attached to the three aforementioned accounts

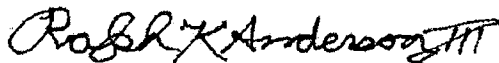
As to the last remaining account, Account No. 01659027, Petitioners, at the hearing, waived their right to an administrative hearing and any rights to appeal to the Administrative Law Court. As such, Petitioners' state tax refund is eligible to be garnished under the State Debt Setoff Program to satisfy the outstanding debt associated with this account.

ORDER

IT IS THEREFORE ORDERED that Petitioners' challenges with respect to Account No.(s) 01101462; 01190258; 01659027; and 01228720 are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Petitioner's challenges with respect to Account No.(s) 01617590; 01513607; and 01458825 are **REMANDED** to Respondent's administrative hearing level for a hearing.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

March 18, 2014
Columbia, South Carolina

FILED

March 18, 2014

SC ADMIN. LAW COURT