

[Cite as *Callahan v. Ohio Dept. of Medicaid*, 2017-Ohio-8085.]

THERESA CALLAHAN

Plaintiff

v.

OHIO DEPARTMENT OF MEDICAID

Defendant

Case No. 2017-00245-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Theresa Callahan (hereinafter “Plaintiff”) filed her claim on March 16, 2017 against Defendant Ohio Department of Medicaid (hereinafter “Medicaid”), seeking \$5,476.00 as reimbursement for the cost of dentures that Plaintiff procured in April through July, 2015. Plaintiff asserts that unidentified employees of Medicare and Medicaid informed her that she did not have dental coverage before she purchased the dentures in 2015. Plaintiff and/or her son paid for Plaintiff’s dentures before Plaintiff learned, in 2016, that she had dental coverage during the period in which she procured her dentures. Plaintiff pursued the administrative appeal process to seek reimbursement from Medicaid but Medicaid denied Plaintiff’s claim.

{¶2} Though Plaintiff, whom the Court has no reason to disbelieve, relays an unfortunate and sympathetic story, the Court nonetheless finds that dismissal is appropriate. Plaintiff and/or her son paid a significant amount of money to procure dentures despite Plaintiff’s participation in a Medicaid dental program and Plaintiff now seeks these costs. However, the costs of the dentures do not represent compensation for an injury or damage. Rather, the costs of the dentures represent an attempt to seek reimbursement from an entitlement program and, therefore, this Court lacks jurisdiction to hear Plaintiff’s claim.

{¶3} As the 10th District has stated, when considering the same issue present here:

Not every claim for monetary relief constitutes 'money damages.'" Even when the relief sought consists of the state's ultimately paying money, a cause of action will sound in equity if "money damages" is not the essence of the claim. Unlike a claim for money damages where a plaintiff recovers damages to compensate, or substitute, for a suffered loss, equitable remedies are not substitute remedies, but an attempt to give the plaintiff the very thing to which it was entitled. Such remedies represent a particular privilege or entitlement, rather than general substitute compensation.

Consequently, a party seeks equitable relief when "[t]he relief sought is the very thing to which the claimant is entitled under the statutory provision supporting the claim." A specific remedy, seeking reimbursement of the compensation allegedly denied, is not transformed into a claim for damages simply because it involves the payment of money.

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[A] claim that seeks to require a state agency to pay amounts it should have paid all along is a claim for equitable relief, not monetary damages.

{¶4} *Interim HealthCare of Columbus, Inc. v. State Dept. of Adm. Servs.*, 10th Dist. Franklin No. 07AP-747, 2008-Ohio-2286, 2008 Ohio App. Lexis 1895 ¶ 15-17 (internal cites omitted and emphasis added). The 10th District ultimately held, in *Interim Health Care*, that this Court lacks jurisdiction over equitable claims such as those Plaintiff asserts here. See also, *Abela v. Ohio Dept. of Job and Family Servs.*, Ct. of Cl. No. 2015-00446, 2016 Ohio 984, ¶ 9-10 (Plaintiff's claim for recovery of withheld food stamp benefits was equitable in nature and outside of the Court's jurisdiction.).

{¶5} Likewise, the Court does not have jurisdiction to consider an administrative appeal governed by statute that can only be pursued through statutory processes. Here, any appeal of Medicaid's administrative determination can only be brought in "the court of common pleas of the county in which the person resides." R.C. § 5101.35(E)(1). The Court has no power to consider and/or administrative decisions.

{¶6} The Court understands Plaintiff has pursued reimbursement from Medicaid in multiple ways only to be refused reimbursement at every step. However, the Court

cannot ignore the law which limits the claims and cases it can consider. For the reasons stated herein, Plaintiff's claim against Medicaid fails and the March 16, 2017 complaint is hereby DISMISSED.

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

Having considered all the evidence in the claim file, and for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs shall be absorbed by the Court.

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MARK H. REED  
Clerk