

31, 1992 and \$509 for the period September 1, 1992 through February 29, 1993.

5. The Department of Social Welfare has refused to allow petitioner a spend-down deduction from his Medicaid applied income for the amount paid to St. Joseph's for personal care services.

ORDER

The Department's decision is reversed and the matter is remanded to the Department to determine the cost of the medically necessary personal services provided by the petitioner's Level III home and to allow the petitioner a deduction from his applied income to reflect those costs.

REASONS

This case is indistinguishable factually from the findings in Fair Hearings No. 11,206 and No. 10,525. The Board's decision in Fair Hearing No. 10,525 is attached hereto and incorporated by reference herein. If, after remand, the petitioner is dissatisfied with the amount allowed by the Department as a deduction from his applied income, he can petition the Board for further hearing on this issue.

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