

STATE OF NEW YORK : DEPARTMENT OF HEALTH

In the Matter of the Request of

G & M Ambulette Services, Inc.,  
Audit #2012Z31-061D  
Provider ID #01450797

For a Hearing Pursuant to Part 519 of Title 18 of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York (“NYCRR”) to Review a Determination of the  
OMIG to Recover \$868,332.25 in Medicaid Overpayments

DECISION UPON DEFAULT  
FOR FAILURE TO APPEAR

Before: William J. Lynch  
Administrative Law Judge (“ALJ”)

Held At: NYS Department of Health  
90 Church Street  
New York, New York 10007  
August 23, 2016  
July 25, 2018

Parties: NYS Office of the Medicaid Inspector General  
Office of Counsel, Mara Pandolfo, Esq.  
90 Church Street  
New York, New York 10007

G & M Ambulette Services, Inc.  
Zoltan Gofman  
1550 McDonald Avenue  
Brooklyn, New York 11230-5594

## SUMMARY AND JURISDICTION

Zoltan Gofman is the President of G & M Ambulette Services, Inc., (“Appellant”) which is a provider under the Medical Assistance for Needy Persons Program (“Medicaid Program”). On October 16, 2013, the State of New York Office of the Medicaid Inspector General (“OMIG”) issued a final determination that the Medicaid Program was entitled to a recovery of an overpayment in the amount of \$868,332.25 from the Appellant. Mr. Gofman retained an attorney who requested a hearing pursuant to 18 NYCRR § 519.4 to appeal the determination.

A hearing was initially scheduled for April 10, 2014, but adjourned to allow the parties an opportunity to settle the matter. The hearing was rescheduled for June 29, 2016. On June 27, 2016, Mr. Gofman retained new counsel who requested an adjournment to prepare for the hearing, and the matter was adjourned until August 23, 2016. On August 23, 2016, the OMIG and the Appellant’s attorney appeared for the hearing, but stated on the record that they had arrived at an agreement and needed additional time to resolve some details. A further adjournment was granted to permit the parties an opportunity to resolve those details. Mr. Gofman, however, later refused the OMIG’s final offer to settle the matter and terminated his representation by an attorney.

On January 12, 2018, the hearing was restored to the calendar for July 25, 2018, at 10:00 am. On July 24, 2018, at approximately 3:10 pm, Mr. Gofman telephoned the Bureau of Adjudication and stated that he could not make it to the hearing the following day. The Bureau of Adjudication advised Mr. Gofman that he would need to obtain an adjournment from the assigned ALJ or the matter would proceed as scheduled. The Bureau of Adjudication attempted to arrange a conference call with the parties and the ALJ, but telephone calls to the number provided by Mr. Gofman were not answered.

The OMIG appeared for the hearing as scheduled at 10:00 am on July 25, 2018, but Mr. Gofman did not appear. Neither Mr. Gofman nor any other representative of the Appellant had yet appeared at approximately 10:30 am, so the ALJ opened the record. The OMIG presented the file and summarized the case, as required under 18 NYCRR 519.17(a), and the record closed with no appearance by the Appellant. Therefore, the Appellant's request for a hearing to challenge the recovery of this Medicaid overpayment is deemed abandoned pursuant to 18 NYCRR 519.12(a).

Administrative Law Judge William J. Lynch renders this decision pursuant to a designation by the Commissioner of the New York State Department of Health to make such decisions.

Dated: August 15, 2018  
Menands, New York

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William J. Lynch, Esq.  
Administrative Law Judge