

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
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CLERK DISTRICT COURT

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DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO, Department of Health)
and Welfare, Child Support Services)
(IDHW),)
Petitioner/Respondent,)
vs.)
CHRISTIAN A CUA BARRIOS,)
Respondent/Appellant.)

Case No. CV-2014-7359

OPINION ON APPEAL

This is an appeal brought by Christian Armando Cua Barrios (“Christian”), Respondent/Appellant, challenging the Judgment entered against him on June 29, 2015, in favor of the Idaho Department of Health and Welfare (“IDHW”), Petitioner/Respondent.

BACKGROUND

Christian and Helina Romero (“Helina”) are the biological parents of CACR, a minor child born on [REDACTED] 2014. Appellant’s Opening Br., p. 4. Christian and Helina were both high school students when CACR was conceived. *Id.* In June 2014, Cristian and Helina graduated from high school. *Id.* A month later CACR was born. *Id.* At the time of CACR’s birth, both parents were eighteen years old,

both lived at home with their parents, and both were unemployed. *Id.* Neither parent had the means to pay for Helina's prenatal care or for the cost of CACR's birth. Br. of Resp't IDHW, p. 1-2.) While Helina was pregnant, she applied for and received Idaho Medicaid benefits.¹ *Id.* at 2. Idaho Medicaid paid a total of \$13,873.00 in connection with Helina's pregnancy for prenatal care and for CACR's birth. *Id.*

Sometime in August 2014, Christian began working part time (26 hours a week) at Red Lobster in Coeur d'Alene. Aff. of Christian Cua Barrios in Supp. of Mem. in Supp. of Resp't Barrios's Cross Mt. for sum. J., p. 2. He earned \$9.75 per hour. *Id.* Christian earned a total of \$5,736.60 in 2014. *Id.*

On December 29, 2014, IDHW filed an Amended Establishment Petition for Child Support and Medicaid Reimbursement against both Christian and Helina. IDHW sought to establish child support for CACR, to obtain an order requiring Christian and Helina to obtain medical insurance for CACR, and to obtain reimbursement from Christian for his *pro rata* share of the "birth costs" paid by Idaho Medicaid during Helina's pregnancy and as a result of CACR's birth. Amended Establishment Pet. for Child Supp. and Medicaid Reimbursement. IDHW argued that Christian should be responsible for one-half of the total amount paid by Medicaid (i.e., \$6,936.50). *Id.* at p. 4, ¶ X. IDHW did not seek any

¹ Helina presumably qualified for Idaho Medicaid benefits under I.C. § 56-254(1)(b). That Section states: "The department shall make payments for medical assistance to, or on behalf of, the following persons eligible for medical assistance. . . . (b) Pregnant women of any age whose family income does not exceed one hundred thirty-three percent (133%) of the federal poverty guideline and who meet other eligibility standards in accordance with department rule, or who meet the presumptive eligibility guidelines in accordance with section 1920 of the social security act."

reimbursement from Helina for her *pro rata* share of the costs incurred based on the exemption found in I.C. § 56-203B. Tr. on Appeal, 7:15-25; 8:1-6. That exemption states:

Debt under this section shall not be incurred by, nor at any time be collected from a parent . . . who would be or is eligible for or who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person . . . [is] in such status and the collection of the debt from such person would not be in the fiscal interest of the state or would not be in the best interest of the child(ren) for whom such person owes support.

On May 11, 2015, IDHW filed a Motion for Summary Judgment and a Memorandum in Support of that Motion.² IDHW asked the trial court to enter a Judgment in its favor against Christian for his *pro rata* share of the “birth costs” paid by Idaho Medicaid. Mem. in Supp. of Mot. for Summ. J., p. 6. On May 27, 2015, Christian filed a Memorandum in Support of Respondent Cua Barrios’s Cross Motion for Summary Judgment and in Opposition to State’s Motion for Summary Judgment and an Affidavit in support of his Motion and in opposition to IDHW’s Motion.³ In his Memorandum, Christian requested that the trial court deny IDHW’s Motion for Summary Judgment and instead enter Judgment in his favor.

² On May 8, 2015, following mediation, a Judgment of Child Custody, Visitation and Child Support was entered. That Judgment set out a custody schedule and Christian’s obligation to pay child support. It also obligated Christian and Helina to provide health insurance coverage for CACR in the future if coverage were to become available at a reasonable cost. As a result, the only unresolved issue raised in IDHW’s Motion for Summary Judgment, and the only issue raised in this appeal, is the reimbursement sought by IDHW from Christian for his *pro rata* share of the expenses incurred by Idaho Medicaid in connection with Helina’s pregnancy and CACR’s birth.

³ Although Christian’s Memorandum references a cross-motion for summary judgment and requested that the trial court “grant his motion for summary judgment,” it does not appear that a separate cross-motion for summary judgment was ever filed. Nonetheless, the trial court apparently construed Christian’s Memorandum as a cross-motion for summary judgment. See Tr. on Appeal at 4:5-7; Order Re: Motions for Summary Judgment.

Mem. in Supp. of Resp't Cua Barrios's Cross Mot. for Summ. J. and in Opp. to State's Mot. for Summ. J., p. 2.

A hearing was held on the motions for summary judgment on June 24, 2015. The Magistrate granted IDHW's Motion for Summary Judgment and denied Christian's Motion for Summary Judgment, and entered a Judgment against Christian in favor of IDHW for Medicaid reimbursement in the amount of \$6,939.57. Order Re: Motions for Summary Judgment; Judgment.

On August 7, 2015, Christian filed a timely Notice of Appeal with this Court appealing from the Judgment entered against him. Christian has identified the following issues on appeal:

1. Did the Court err when it failed to find that the Appellant is entitled to the exemption from liability for Medicaid reimbursement pursuant to I.C. § 56-203B?
2. Did the Court err when it determined that the Appellant was liable to the State of Idaho for reimbursement of Medicaid costs paid on behalf of the natural mother as "Birth Costs"?
3. Did the Court err when it determined that I.C. § 7-1121 authorizes the State to seek Medicaid reimbursement from a person who is not currently possessed of sufficient means to repay medical costs expended on behalf of a mother and birth costs for a child?
4. Did the Court err when it determined that the State of Idaho's application of I.C. § 56-203B was not in violation of the Equal Protection Clause of the Idaho and U.S. Constitutions?

Appellant's Opening Br., p. 6.

Appellate argument was heard on Friday, January 22, 2016, in the Kootenai County Courthouse. Christian was present along with his attorney, Melanie E. Baillie, who argued on his behalf. Susan K. Servick was present

and argued on behalf of IDHW. This matter is now fully submitted and ready to be decided.

STANDARD OF REVIEW

In an appeal from an order granting summary judgment, this Court's standard of review is the same as the standard used by the trial court in ruling on a motion for summary judgment. *Venable v. Internet Auto Rent & Sales, Inc.*, 156 Idaho 574, 578, 329 P.3d 356, 360 (2014), *review denied* (July 31, 2014) (citation omitted). The disputed facts are to be construed liberally in favor of the non-moving party, and all reasonable inferences that can be drawn from the record are to be drawn in favor of the non-moving party. *Id.* "[I]f the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law," summary judgment is appropriate. *Id.*; I.R.C.P. 56(c).

An appellate court exercises free review in determining whether a genuine issue of material fact exists and whether the moving party is entitled to judgment as a matter of law. *McHugh v. Reid*, 156 Idaho 299, 302, 324 P.3d 998, 1001 (Ct. App. 2014).

The party moving for summary judgment initially carries the burden of establishing that there is no genuine issue of material fact and that he or she is entitled to judgment as a matter of law. The burden may be met by establishing the absence of evidence on an element that the nonmoving party will be required to prove at trial. Such an absence of evidence may be established either by an affirmative showing with the moving party's own evidence or by a review of all the nonmoving party's evidence and the contention that such proof of an element is lacking. Once such an absence of evidence has been established, the burden then shifts to the nonmoving party to

show, via further depositions, discovery responses, or affidavits, that there is indeed a genuine issue for trial or to offer a valid justification for the failure to do so under I.R.C.P. 56(f). The nonmoving party cannot rest upon mere speculation and must submit more than just conclusory assertions that an issue of material fact exists to withstand summary judgment.

Id. at 303, 324 P.3d at 1002.

When an action is to be tried to a court without a jury, the trial court, as the fact-finder, is not restricted in drawing inferences in favor of the nonmoving party.

Id. at 302, 324 P.3d at 1101. The trial court is entitled to reach the most probable inferences based upon the undisputed evidence properly before it and to grant

summary judgment despite the possibility of conflicting inferences. *Id.* However, conflicting evidentiary facts must still be viewed in favor of the nonmoving party.

Id. at 302-03, 324 P.3d at 1001-02. “The test for reviewing the inferences drawn by the trial court is whether the record reasonably supports the inferences.” *Shawver v. Huckleberry Estates, L.L.C.*, 140 Idaho 354, 361, 93 P.3d 685, 692 (2004).

Under Rule 8(c), I.R.C.P., a party must set forth any matter constituting an affirmative defense in his answer to a claim filed against him. “An affirmative defense is a defendant's assertion raising new facts and arguments that, if true, will defeat the plaintiff's . . . claim, even if all allegations in the complaint are true.”

Fuhriman v. State, Dep't of Transp., 143 Idaho 800, 803, 153 P.3d 480, 483 (2007).

In opposing a motion for summary judgment, the nonmoving party has the burden of supporting his claimed affirmative defense. *Chandler v. Hayden*, 147 Idaho 765,

771, 215 P.3d 485, 491 (2009). Consequently, the nonmoving party seeking to assert an affirmative defense to the claim brought against him must present

evidence in support of that defense in order to defeat the opposing party's motion for summary judgment. *Id.*

ANALYSIS

A. Did the Magistrate Judge err in failing to find that Christian is entitled to the exemption⁴ from liability for Medicaid reimbursement set forth in I.C. § 56-203B?

I.C. § 56-203B makes clear that “[a]ny payment of public assistance money made to or for the benefit of any dependent child . . . creates a debt due or owing to the department by the parent . . . who [is] responsible for support of such [child] in an amount equal to the support obligation as is subsequently determined by court order pursuant to the Idaho child support guidelines” Idaho’s Supreme Court has instructed that “[t]he statute should be read in conjunction with the remedial language of I.C. §§ 32-1002 [repealed 2011] and 32-1003, which prescribe duties of support and establish parental liability for necessities furnished to a child by a third party ‘in good faith’ when a parent has neglected to do so.” *State, Dep’t of Health & Welfare v. Housel*, 140 Idaho 96, 104, 90 P.3d 321, 329 (2004) (citation omitted) (internal quotation marks omitted). The statute reflects the State’s goal of assuring that parents, and not taxpayers, bear the financial responsibility of supporting their children. *State, Dep’t of Health & Welfare ex rel. Martz v. Reid*, 124

⁴ Christian, throughout his briefing and oral argument, described the effect of I.C. § 56-203B as an “exemption.” However, I.C. § 56-203B is not simply an exemption. It is an exemption in that it exempts someone who falls within its ambit from incurring a debt: “[d]ebt shall not be incurred by” In addition, the statute also creates a temporary bar to the collection of debt once incurred: “[d]ebt under this section shall not . . . at any time be collected” While this opinion will frequently describe the statute as an “exemption,” because that is how Christian has characterized the statute’s application, it is more accurate to refer to the statute’s application as a “bar.” For the sake of accuracy, it will occasionally be referred to as a bar in this opinion.

Idaho 908, 913, 865 P.2d 999, 1004 (Ct.App.1993) (citation omitted). Consistent with this goal, I.C. § 56-203C empowers IDHW to seek an order for support, including medical support, and I.C. § 56-203B creates a debt to and an interest in IDHW to seek and obtain reimbursement for any public assistance moneys paid on behalf of a dependent child.

A parent may be exempt from incurring a debt or IDHW may be barred from collecting a debt under I.C. § 56-203B if the parent can show that he “would be or is eligible for or . . . is the recipient of public assistance moneys for the benefit of [a] minor dependent [child].” I.C. § 56-203B. The exemption and bar found in I.C. § 56-203B reads in full as follows:

Debt under this section shall not be incurred by, nor at any time be collected from a parent or other person who would be or is eligible for or who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status and the collection of the debt from such person would not be in the fiscal interest of the state or would not be in the best interest of the child(ren) for whom such person owes support.

Christian acknowledges that he is the biological father of CACR, that CACR is a dependent minor child, and that public assistance moneys were paid by IDHW in connection with Helina’s pregnancy and CACR’s birth.⁵ Appellant’s Opening Brief, p. 5. As a defense, Christian contends that IDHW failed to prove his ineligibility for public assistance moneys, and that, in fact, he is a parent “who would be or is eligible for . . . public assistance moneys for the benefit of [his] minor dependent [child]” and was therefore exempt from reimbursing the IDHW. *Id.* at 8,

⁵ Public assistance moneys include moneys paid by IDHW for “general assistance, old-age assistance, aid to the blind, assistance to families with children, aid to the disabled, and medical assistance.” I.C. § 56-201(e).

10. (Because Christian was not entitled to public assistance moneys when Helina was pregnant it appears that a debt to IDHW was incurred. Consequently, it seems as if he should have argued that IDHW was *barred* from collecting the debt from him, rather than that he was *exempt* from having to repay IDHW. See footnote 4, *supra.*)

At the hearing on the parties' motions for summary judgment, Christian presented evidence that his annual earnings for 2014 were \$5,736.60, and that in May 2015, (shortly before the hearing on the motions for summary judgment), he was still working at Red Lobster, part time (24 hours a week), and earning between \$9.47 and \$9.90 per hour. Aff. of Christian Cua Barrios in Supp. of Mem. in Supp. of Resp't Barrios' Cross Mt. for Summ. J., p. 2. Based on this submission, Christian claimed that after CACR's birth he was eligible to receive Medicaid benefits for CACR based on I.C. § 56-254(1)(a). Mem. in Supp. of Resp't Cua Barrios's Cross Mot. for Summ. J. and in Opp. to State's Mot. for Summ. J., p. 5. That provision allows a parent to receive Idaho Medicaid benefits for his minor child if the "family income does not exceed one hundred eighty-five percent (185%) of the federal poverty guideline and who meets age-related and other eligibility standards in accordance with department rule." I.C. § 56-254(a)(1).

The federal poverty guidelines for 2014 established poverty for a household of one at a yearly gross income of \$11,670.00, a household of two at \$15,730.00, and a household of three at \$19,790.00. Annual Update of the HHS Poverty guidelines, 79 Fed. Reg. 3593 (Jan. 22, 2014); Mem. in Supp. of Resp't Cua Barrios's Cross Mot. for

Summ. J. and in Opp. to State's Mot. for Summ. J., p. 5. Based on his income, Christian claimed that he made below the federal poverty guideline in 2014 (and also in 2015) and therefore, was eligible to receive Medicaid benefits on behalf of CACR after the child's birth. Mem. in Supp. of Resp't Cua Barrios's Cross Mt. for Summ. J. and in Opp. to State's Mot. for Summ. J., p. 5. Accordingly, Christian now contends that he was "exempt" from reimbursing IDHW for moneys it spent during Helina's pregnancy and CACR's birth (i.e., that IDHW was *barred* from collecting the money from him). Appellant's Opening Br., p. 12.

Christian also claims that even if he were not eligible to receive Medicaid benefits on behalf of CACR (since Helina obtained such coverage first), he was still eligible to receive other public assistance funds (such as funds for child care from the Idaho Child Care Program (ICCP) or for food assistance from the Idaho Food Stamp Program) for the benefit of CACR and was therefore "exempt" from having to repay Idaho Medicaid.⁶ Appellant's Opening Brief, p. 12.

IDHW contends, as an initial matter, that Christian had the burden of showing his eligibility for public assistance money on behalf of CACR at the summary judgment hearing and that he failed to carry that burden. Br. of Resp't IDHW, p. 13-14. In addition, at the hearing, IDHW claimed, and still contends,

⁶ As noted, *see* footnote 3, *supra*, although Christian uses the term exemption, his argument really appears to be that IDHW is *barred* from collecting any debt incurred by him in connection with Helina's pregnancy and CACR's birth. Christian claims once CACR was born he became eligible to obtain Medicaid, ICCP, and food stamps on CACR's behalf. Under I.C. § 56-203B it appears that Christian incurred a debt to IDHW for Helina's prenatal care and CACR's birth because he was ineligible to obtain any kind of public assistance moneys for the benefit of CACR until after CACR's birth. (Only pregnant women can obtain such assistance for unborn children.) Consequently, because the costs sought by IDHW arose prior to the time when Christian could have been eligible for assistance for the benefit of CACR, the issue really is whether IDHW was barred from collecting the debt from him.

that Christian does not qualify for the exemption found in I.C. § 56-203B. IDHW's position is premised on the fact that Helina was receiving Idaho Medicaid benefits for CACR at the time, that Idaho law does not permit two parents, living separately, to receive public assistance for the same child, and that Christian had no other dependent minor child for whom he could receive funding.⁷ *Id.* at 12-13; Mem. in Opp'n to Def.'s Mt. for Summ. J. and Reply, p. 5. On appeal, IDHW also argues that Christian had the affirmative defense to establish entitlement to benefits and that because he failed to do so, summary judgment was appropriate. Br. of Resp't IDHW, p. 13.

At the conclusion of the hearing on the parties' Motions for Summary Judgment, the trial Court made the following findings and conclusions:

[C]oncerning the requirement to have Mr. Cua Barrios pay the [birth costs] . . . it appears to me that the Court does have some discretion under the statutes to determine whether it would be appropriate for either parent or both parents to pay. . . . Ms. Baillie's client works at Red Lobster. Makes 5,000 plus a year. And it's her . . . client's position that it would be unjust to require [him] to pay the medical expenses or his share of the medical expenses incurred for the birth of his child . . . that when [I.C. § 56-203B] was changed following the Reed [sic] case, that if a person was eligible for the public assistance Medicaid, that then they would not be required to repay those medical expenses. But reading the statutory scheme in its entirety, starting

⁷ The bar to recovery contained in I.C. § 56-203B, requires that the person seeking to prevent IDHW from recovering must have actual custody of a child in order to be eligible for the bar to apply. Following the Idaho Court of Appeals ruling in *State, Dept. of Health and Welfare ex rel. Martz v. Reid*, 124 Idaho 908 (Ct. App. 1993), the Idaho Legislature amended I.C. § 56-203B. The amendment prevents IDHW from seeking reimbursement from a parent "who would be or is eligible for" public assistance moneys for the benefit of a minor dependent child. The statement of fiscal impact for that change reads as follows: "If this legislation is enacted it would result in a reduction of money paid for reimbursement of public assistance paid to or on behalf of a dependent child. There are no statistics available to determine how many non-custodial parents would be eligible for public assistance and who would not be responsible for payment of public assistance paid to or on behalf of their dependent child. *The non-custodial parent would have to have a child in their home in order to qualify.* As a result, it is difficult to calculate how much of a reduction of money paid for reimbursement of public assistance there would be." (italics added).

with the Reed [sic] case and looking at all of the cases here that the state - - and statues that the state has put forth, I do not believe that the Court has to focus only on that particular time when the benefits are received or paid or when the child is born. I think that would be way too narrow reading of all the statutes. I think the Court has to look at the big picture.

...

In this case, the Department is seeking to recover \$6,936.57, which is the pro rata share of the \$13,873 that were in medical expenses incurred for the birth of the child here.

Under the statutes and the case law cited in the Department's memorandum in support of their motion for summary judgment, I find that there isn't any genuine issue as to any material fact. That there isn't anything that will preclude Mr. Cua Barrios from paying these expenses in the future. That he doesn't have any disabilities or anything that would prohibit him from earning money to make these payments and it becomes a matter of, you know, how do you pay that obligation as opposed to whether it's legally required to be paid.

So I am going to grant the Department's motion for summary judgment. . . . I will enter a judgment in favor of the Department for the \$6,936.57 which represents the pro rata share of the costs incurred relating to the birth of the child.

Tr. on Appeal at 22-24.

Christian's counsel then asked the Magistrate for clarification on the court's findings.

Ms. Baillie: I just wanted to be sure about one thing, your Honor, if you could clarify.

You said under 56-203(b) [sic] the exemption relates specifically to public assistance. Then you said one who is or could be eligible for public assistance. And then you said Medicaid. But the statute doesn't say Medicaid. So did you mean public assistance or Medicaid or were you just assuming public assistance meant Medicaid? Because it is defined in the statute, public assistance is, and it doesn't just incorporate Medicaid.

The Court: Well, it includes any recipient of any public assistance monies.

Ms. Baillie: Okay. So - -

The Court: That's what the statute says.

Ms. Baillie: So I want to make sure I understand. Is the Court saying. That my client is not eligible for public assistance?

The Court: Quite honestly, I don't know whether he would be eligible or not. There isn't anything before me that would establish that he would or would not be and you have to read that whole sentence together. You can't just kind of parse it out that way so that you can say based on the Reed [sic] case and the change in the statute, anybody who would be or is eligible for or who is the recipient of public assistance monies for the benefit of the minor dependent children. You have to read it altogether.

Ms. Baillie: Right. So such as food stamps or Medicaid or ICCP or any of those other public assistance benefits that a person might be eligible for - -

The Court: Uh-huh.

Ms. Baillie: - - under the statute?

The Court: Right. And that's - -

Ms. Baillie: Okay. I just wanted to make sure that - - and so the Court's position is that he didn't establish that he would be eligible?

The Court: There's nothing here that shows that he would be eligible for - - to be the recipient of public assistance monies for the benefit of the minor dependent child.

Tr. on Appeal at 25:20-25; 26-27.

At the trial level, IDHW established that Christian incurred a debt that was due and owing to IDHW for his share of the public assistance moneys expended for the benefit of CACR. Christain admitted paternity, and admitted that public assistance money (i.e., Idaho Medicaid benefits) had been paid by IDHW on behalf

of CACR (although Christian disputed the exact amount of money spent “for the benefit of” CACR). Consequently, IDHW established that under I.C. § 56-203B, Christian, the biological father of CACR, owed a debt to IDHW for a portion of the public assistance moneys spent on behalf of CACR. I.C. § 56-203B.

It is clear the Magistrate squarely placed the burden of establishing eligibility for public assistance moneys on Christian. The bar that prevents IDHW from seeking reimbursement found in I.C. § 56-203B is an affirmative defense. *See Fuhrman*, 143 Idaho at 803, 153 P.3d at 483; *see also Davison v. State, Dep't of Health & Welfare*, 104 Idaho 442, 444, 660 P.2d 54, 56 (1982) (“Where a claimant has applied for and been denied benefits, the claimant has the burden of proving that he met all eligibility requirements.”). This is the case because if Christian’s assertion regarding his eligibility for public assistance moneys on behalf of CACR were true, IDHW’s claim against him for reimbursement would have been barred. This would have been the case despite the fact that Christian admitted paternity and admitted that public assistance moneys had been paid on behalf of CACR. Consequently, Christian had the burden of supporting his claimed affirmative defense. *Hayden*, 147 Idaho at 771, 215 P.3d at 491.

In order to support his claimed affirmative defense and demonstrate that there was a genuine issue of material fact for trial, Christian was required to present evidence supporting his eligibility for public assistance moneys on behalf of CACR. Christian failed to carry his burden. The only evidence Christian presented at the hearing on the parties’ motions for summary judgment was his

yearly income for 2014, his hourly wage and weekly hours of work for 2015, and the federal poverty guidelines for 2014. Based on this evidence, Christian failed to raise a question of fact about his eligibility for public assistance for CACR.

Christian's claim that he was eligible for public assistance is merely a conclusory assertion. Although Christian's income level may be one piece of the puzzle, eligibility for public assistance also takes into account other factors. For example, it appears that Helina's receipt of public assistance moneys on behalf of CACR likely renders Christian, the non-custodial parent, ineligible to receive public assistance moneys (at least in the form of Idaho Medicaid benefits) on behalf of CACR. *See Davison*, 104 Idaho at 55-56, 660 P.2d at 443-44. Additionally, information regarding Christian's household size and household income (which would include his parents if he were still living at home and if they claimed him as a dependent on their taxes) are necessary to determine his eligibility for public assistance monies.⁸ The record is devoid of any evidence, beyond Christian's bare assertions, that he was eligible to receive public assistance moneys on behalf of CACR.

The Magistrate Judge did not err in requiring Christian to set forth facts supporting his claim to eligibility of public assistance. Further, the Magistrate Judge did not err in finding that Christian failed to carry his burden of setting forth facts to indicate he was entitled to public assistance benefits in order to create a

⁸ See IDHW's Application for Assistance (including food assistance and child care assistance) available at: <http://healthandwelfare.idaho.gov/Portals/0/FoodCashAssistance/ApplicationForAssistance1.pdf>