

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],

Claimant

Reg. No: 2006-14688 / 2006-8779
2006-03604 / 2006-17736
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 26, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on January 26, 2009. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant was not "disabled" for purposes of the Medical Assistance (MA-P) program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) On February 19, 2005, an application was filed on claimant's behalf by [REDACTED] for MA-P benefits.

(2) On February 14, 2006, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.

(3) On March 16, 2006, claimant's authorized representative at [REDACTED] filed a hearing request on claimant's behalf to protest the department's determination.

(4) On May 20, 2005, authorized representative [REDACTED] filed an application on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to February of 2005.

(5) On August 12, 2005, the department denied the May 20, 2005 application based upon the belief that claimant did not meet the requisite disability criteria.

(6) On October 28, 2005, authorized representative [REDACTED] filed a hearing request on claimant's behalf to protest the department's determination.

(7) More recently, the department has opened MA-P for claimant effective May of 2005.

(8) At the hearing, the parties agreed that claimant still needed MA-P benefits for the period from February through April of 2005.

(9) At the hearing, the department agreed to open MA-P for claimant from February through April of 2005 and provide claimant's authorized representative at [REDACTED] [REDACTED] with a DHS-1038 documenting that the coverage is on the system.

(10) Claimant's authorized representative indicated satisfaction with the department's plan of action.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this matter, the parties reached an accord. The department agreed to open MA-P for claimant for the period from February through April of 2005. Further, the department agreed to provide claimant's authorized representative at [REDACTED] with a DHS-1038 documenting that the coverage is on the system. Claimant's authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall open Medical Assistance based upon disability for claimant from February through April of 2005. Further, the department shall provide claimant's authorized representative at [REDACTED] with a DHS-1038 documenting that the coverage is on the system.

/S/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 10, 2009

Date Mailed: February 13, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

LSS/cv

cc:

