

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 200810907
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 22, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a three way telephone hearing was conducted from Detroit, Michigan on July 22, 2010. The Claimant was not present. Claimant was represented by [REDACTED] at the hearing. [REDACTED], FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant's Medical Assistance Program ("MA-P") application of 5/25/07?

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on 5/27/07 including retroactive benefits to February 2007.
2. Claimant's authorized representative testified that he never received notice of verification requests or an eligibility notice or denial.

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3. The Department was unable to determine what happened with Claimant's 5/25/07 MA application, if it was denied, and/or why it was denied.
4. At the hearing, the Department agreed to reopen and reprocess Claimant's MA application of 5/27/07, including retroactive benefits applied for.
5. As a result of this agreement, Claimant, through her representative, indicated that she no longer wished to proceed with the remainder of the hearing.

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, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to reopen and reprocess Claimant's MA application of 5/27/07 including retroactive benefits applied for. The Claimant's representative also agreed to provide all original application materials to the Department. As a result of this agreement, Claimant, through her representative, indicated that she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

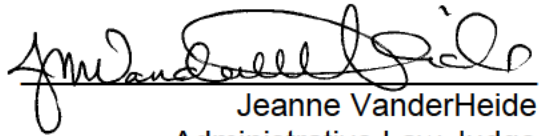
The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED that:

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1. The Department shall reopen and reprocess Claimant's MA application of 5/27/07, including retroactive benefits applied for in accordance with this settlement agreement.
2. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive on the 5/27/07 application for MA and retro MA subject to eligibility per applicable rules.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 28, 2010

Date Mailed: July 28, 2010

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 receipt date of the rehearing decision.

JV/hw

cc:

