

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: 2008-22664
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 15, 2009
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on Wednesday, April 15, 2009. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly determine that the claimant was eligible for Medicaid (MA) TMA-Plus for adults and Healthy Kids MA for children based on the annual review?

FINDINGS OF FACT

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

- (1) The claimant and her household were eligible for MA benefits with a review April 2008.

(2) On March 26, 2008, the department caseworker sent the claimant a TMA review with verification required April 7, 2008.

(3) On April 7, 2008, the department caseworker pended the claimant's case to close on June 30, 2008 because the required verifications for annual review were not received.

(4) On April 22, 2008, the claimant reapplied for MA and provided the required verifications to determine eligibility.

(5) On May 6, 2008, the claimant's case closure code was deleted and budgets were run for the last 30 days using the income records provided. As a result, the claimant's MA case was transferred to TMA-Plus for adults and Healthy Kids Medicaid for the children.

(6) On June 6, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to allow the claimant to be given the opportunity to pay \$100 per month for TMA-2 with a new budget being run to determine eligibility.

(8) On April 15, 2009, the Administrative Law Judge received the corrected LIS and G2C budgets for July 2008 and a current budget for the April 2009 reduced hours for the claimant's employment. (Department Exhibit A- J)

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to allow the claimant to be given the opportunity to pay \$100 per month for TMA-2 with a new budget being run to determine eligibility. If the claimant does not agree with this determination, she may file another request for a hearing.

On April 15, 2009, the Administrative Law Judge received the corrected LIS and G2C budgets for July 2008 and a current budget for the April 2009 reduced hours for the claimant's employment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ORDERED to give the claimant an opportunity to pay the \$100 per month for TMA-II, if it has not already done so. On April 15, 2009, the Administrative Law Judge received the corrected LIS and G2C budgets for July 2008 and a current budget for the April 2009 reduced hours for the claimant's employment.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 1, 2009

Date Mailed: June 1, 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 receipt date of the rehearing decision.

CGF/vmc

cc:

