

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: 2008-24576

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 11, 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 June 11, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) impose the correct monthly spend down or deductible upon claimant's Family Independence Program (FIP) – related Medical Assistance (MA)?

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 has been a recipient of FIP- related MA with a monthly spend down or deductible.

(2) On March 28, 2008, the department notified claimant of its intent to increase claimant's monthly spend down or deductible effective April 9, 2008.

(3) Effective April 9, 2008, the department increased claimant's monthly MA spend down or deductible to \$1,106.

(4) On June 17, 2008, claimant filed a hearing request to protest the increase in her monthly MA spend down or deductible.

(5) At the hearing, the parties reached an accord. The department agreed to initiate recalculation of claimant's monthly spend down or deductible for her FIP-related MA effective April of 2008.

(6) Claimant 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 case, the parties reached an accord. The department agreed to initiate recalculation of claimant's FIP - related MA monthly spend down or deductible effective April of 2008. The department agreed to notify claimant in writing of its determination. Claimant 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 shall recalculate claimant's FIP - related Medical Assistance monthly spend down or deductible effective April of 2008. The department shall notify claimant in writing of its determination.

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

Date Signed: 10/19/09

Date Mailed: 10/20/09

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 receipt 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.

LSS/at

cc:

