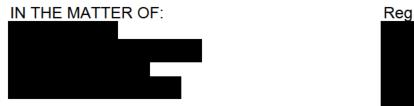
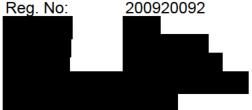
STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES





ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. This matter was originally assigned to is no longer employed by the State Office Of Administrative Hearings and Rules. This matter was reassigned to after complete review of the record. Claimant's request for a hearing was received on February 24, 2009. After due notice, a telephone hearing was held on November 12, 2009. The Claimant's authorized representative, were present and testified.

ISSUE

Did the Department properly determine Claimant's eligibility for Medical Assistance (MA) and retroactive Medicaid assistance?

FINDINGS OF FACT

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

- 1. The Claimant submitted an application for Medicaid and Retroactive Medicaid benefits December 12, 2008. (Department Exhibit A pg 2).
- On February 3, 2009, the Department sent the Notice of Case Action to the Claimant denying the MA request because of excess assets. (Department Exhibit A pg 2).
- 3. On February 23, 2010, the department received the Claimant's Request for

- 4. Hearing protesting the Department's determination of her MA application.
- 5. The Claimant indicates that the Department's asset calculation and the Initial Asset Assessment are contradictary.
- 6. On the record, the Claimant produced an Initial Asset Assessment that was admitted as evidence. instructed the Department representative to fax the document to her on November 12, 2009. (Hearing Transcript).
- 7. The Initial Asset Assessment was never sent to Judge Bachman.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM). Department Policy states:

BEM 105 DEPARTMENT POLICY MA Only

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

DHS LOCAL OFFICE RESPONSIBILITIES

Local offices' primary responsibilities are doing initial asset assessments and determining MA eligibility for waiver patients.

The Claimant is disputing the Asset calculation completed by the Department in response to her application for Medicaid for her husband. She indicates that assets are

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contradictory to the determination of the Department in the Initial Asset Assessment. The Claimant produced the Initial Asset Assessment at the hearing and requested that it be admitted into evidence. Judge Bachman granted the request and instructed the Department representative to fax the document to her. The document was never received and placed in the file. The Department was contacted on February 14, 2011 regarding the Initial Asset Assessment. The Department indicated that the Initial Asset Assessment cannot be located. As a result, this matter is being returned to the Department to redetermine the Claimant's eligibility.

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the Department's MA action is reversed. The Department shall:

- Reprocess the Claimant's December 18, 2008 MA application in accordance with Department policy.
- 2. Issue any retroactive MA benefits the Claimant is otherwise eligible to receive.

It is so ORDERED.

____/s/_____Kandra Robbins
On behalf of Jana Bachman
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: <u>2/28/11</u>

Date Mailed: 2/28/11

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.

