

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 200920092

[REDACTED]

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 [REDACTED]. [REDACTED] is no longer employed by the State Office Of Administrative Hearings and Rules. This matter was reassigned to [REDACTED] to complete the decision 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, [REDACTED], 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).
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 contradictory.
6. On the record, the Claimant produced an Initial Asset Assessment that was admitted as evidence. [REDACTED] 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

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.

