

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.: 2009-22162
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 18, 2010
Wayne County DHS (35)

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 February 18, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's Medical Assistance (MA) benefits?

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 was a recipient of Family Independence Program (FIP)-related MA.
- 2) On March 10, 2009, the department notified claimant that it intended to terminate her MA effective March 24, 2009, based upon excess income.

- 3) On March 23, 2009, claimant filed a timely hearing request to protest the department's proposed negative action.
- 4) Thereafter, the department deleted its proposed negative action pending the outcome of the instant hearing.
- 5) Later, while the hearing was pending, claimant informed the department that her minor child had left the home and that she had developed a serious medical condition which, in essence, rendered her disabled.
- 6) The department terminated claimant's FIP-related MA on December 31, 2009, without considering claimant's eligibility for MA-P.
- 7) At the hearing, the department agreed that it should have considered claimant's eligibility for MA-P prior to terminating claimant's MA benefits. Accordingly, the department agreed to reinstate claimant's MA effective January 1, 2010, and continue claimant's MA coverage pending a determination as to whether claimant is eligible for MA-P.
- 8) Claimant indicated satisfaction with the department's plan of action.

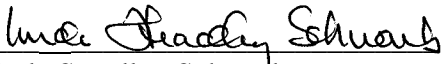
CONCLUSIONS OF LAW

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 reinstate claimant's MA coverage effective January 1, 2010, and continue claimant's MA until the department made a determination as to claimant's eligibility for MA-P. 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 of Human Services shall immediately reinstate claimant's Medical Assistance effective January 1, 2010, and continue claimant's MA coverage until the department makes a determination on claimant's eligibility for Medical Assistance based upon disability. The department shall notify claimant of its determination in writing.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: March 30, 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.

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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.

LSS/pf

cc:

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