

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,
by ██████████

Claimant

Reg. No.: 2009-33941
Issue No.: 2021
Case No.: ██████████
Load No.: ██████████
Hearing Date:
November 23, 2009
Wayne County DHS (82)

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 November 23, 2009. Claimant was represented by ██████████, her son (who has Power of Attorney), and his attorney, ██████████.

ISSUE

Was claimant eligible for Medical Assistance (MA) in February, March, and April of 2009?

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 resides in a long-term care facility and is a recipient of MA.
- 2) The department determined that claimant had excess assets for purposes of MA from February of 2009 through April of 2009.

- 3) On June 30, 2008, claimant's son/Power of Attorney filed a hearing request to protest the department's failure to provide MA in February, March, and April of 2009.
- 4) At the hearing, the department agreed to initiate reconsideration of claimant's eligibility for MA for the period of February, March, and April of 2009.
- 5) Claimant's representative and his counsel indicated satisfaction with the department's plan of action.

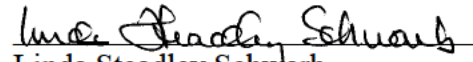
CONCLUSIONS OF LAW

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 reconsideration of claimant's eligibility for MA for February, March, and April of 2009. Claimant's representative and his counsel 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 initiate reconsideration of claimant's eligibility for Medical Assistance in February, March, and April of 2009. 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: February 3, 2010

Date Mailed: February 4, 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.

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:

