

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg. No.: 2009-36260

Issue No.: 2000

Case No.: ██████████

Load No.: ██████████

Hearing Date:

March 3, 2010

Wayne County DHS (49)

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 March 3, 2010. Claimant appeared and testified.

ISSUE

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

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 an ongoing recipient of MA benefits.
- 2) The department closed claimant's MA case effective July 28, 2009, based upon the belief that claimant failed to provide verification of her husband's income.

- 3) On July 31, 2009, claimant filed a hearing request to protest the department's negative action.
- 4) Thereafter, claimant re-applied for program benefits and her MA was reopened effective November 1, 2009.
- 5) At the hearing, claimant indicated that she wished to have MA program benefits for the months of August, September, and October of 2009.
- 6) At the hearing, the parties reached an accord. The department agreed that, if within ten days of the hearing date claimant provided the department with verification of claimant's husband's income for the months of August, September, and October of 2009 and verification that claimant had outstanding medical bills that were incurred in August, September, or October of 2009, the department would then initiate reconsideration of claimant's eligibility for MA for the months of August, September, and October of 2009 and, as appropriate, open retroactive MA coverage for the months of August, September, and/or October of 2009. The department agreed to notify claimant in writing as to its determination.
- 7) Claimant indicated satisfaction with the department's plan of action.

CONCLUSIONS OF LAW

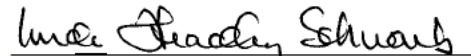
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department 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 that, if within ten days of the hearing date claimant provided the department with verification of claimant's husband's income for the months of August, September, and October of 2009 and verification that claimant had outstanding medical bills that were incurred in August, September, or October of 2009, the department would initiate reconsideration of claimant's eligibility for MA for the months of August, September, and October of 2009 and, as appropriate, open retroactive MA coverage for the months of August, September, and/or October of 2009. The department agreed to notify claimant in writing as to 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, if within ten days of the hearing date claimant provides the department with verification of claimant's husband's income for the months of August, September, and October of 2009 and verification that claimant has outstanding medical bills that were incurred in August, September, or October of 2009, the department shall initiate consideration of claimant's eligibility for Medical Assistance for the months of August, September, and October of 2009,

and, as appropriate, open retroactive Medical Assistance coverage for claimant for the months of August, September, and/or October of 2009. The department shall notify claimant in writing as to its determination.


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

Date Signed: March 30, 2010

Date Mailed: March 31, 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:

