

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: 2009-4360

Issue No: 4014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on October 6, 2009.

ISSUE

Whether the department properly determined claimant's eligibility for Adult Medical Program (AMP) 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) On or about October 7, 2008, the department sent claimant written notice that her Adult Medical Program (AMP) and her husband's Adult Medical Program (AMP) benefits would be terminated effective October 21, 2008, due to excess assets.

(2) On or about October 14, 2008, the department received a timely hearing request.

(3) Following receipt of hearing request, the department reviewed its proposed action and rescinded the proposed termination of benefits.

(4) Claimant continues to be eligible without a break in coverage.

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).

At hearing, the department testified and provided documentary evidence that the department's proposed negative action to terminate claimant's Adult Medical Program (AMP) benefits did not go into effect and has been rescinded. According to department testimony claimant has not had a break in coverage. Claimant continues to be eligible for Adult Medical Program (AMP) benefits. Finding of Fact 1-4. Computer Report.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides after careful examination of the record, the Administrative Law Judge finds there

is no matter in controversy within the Administrative Law Judge's jurisdiction. The department has rescinded its proposed negative action. Claimant continues to receive benefits.

Accordingly, having no matter in controversy, the hearing request is disbursed. The matter is DISMISSED.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 21, 2009

Date Mailed: October 22, 2009

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 receipt 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.

JAB/db

cc:

[REDACTED]