

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: 2009-5186

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, October 6, 2009. The claimant personally appeared and testified with her interpreter for the hearing impaired, [REDACTED]

ISSUE

Did the department properly place the claimant's Medical Assistance (MA) case in spend-down status and determine her monthly deductible?

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 July 16, 2008, the claimant's Medical Assistance review was received by the department caseworker, where the proof of the claimant's bank account came in with no balance amount showing on copy.

(2) On July 18, 2008, the department caseworker put the claimant's MA spend-down case into closure and mailed a DHS-3503, Verification Checklist, requesting current bank statements and shelter verification with a due date of July 28, 2008. (Department Exhibit 45)

(3) On July 29, 2008, the department received a hearing request from the claimant, contesting the department's negative action. The claimant was requesting a hearing because she was eligible for MA with a spend-down, but her bills for the covered time period were not covered. The claimant was not contesting the amount of the spend-down. She had hospital bills from May 2007 at [REDACTED] that were not covered.

(4) On July 30, 2008, the claimant's MA spend-down case was closed for failure to return current bank statements.

(5) On September 30, 2008, the department caseworker ran new MA budget approving the claimant for a MA spend-down effect August 1, 2008. The claimant had no loss of benefits between July 2008 and September 2008.

(6) During the hearing, the department caseworker looked on the system and the claimant was eligible for MA benefits for the month of May 2007.

(7) During the hearing, [REDACTED] was called on the phone and they verified that the hospital bill at [REDACTED] for the month of May 2007 was paid.

(8) The parties have reached an agreed upon settlement to resolve the dispute. The department caseworker and [REDACTED] agrees to work with the claimant who is hearing impaired to go through her bills and the corresponding months of MA eligibility so that the claimant's creditors could be contacted to let them that they can bill MA for those months.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department caseworker and [REDACTED] agrees to work with the claimant who is hearing impaired to go through her bills and the corresponding months of MA eligibility so that the claimant's creditors could be contacted to let them that they can bill MA for those months.

If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ORDERED to assist the claimant in going through her months of MA eligibility to determine and assist her to have her creditors re-bill MA for the months that the claimant has MA benefits, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2009

Date Mailed: October 27, 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 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.

CGF/vmc

cc:

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