

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: 2009-17128

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 29, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jana 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, a telephone hearing was held on October 29, 2009.

ISSUE

Whether the Department of Human Services (department) properly claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) October 23, 2008, claimant applied for MA.
- (2) On or about December 29, 2008, the department prepared a budget and determined that claimant qualified for MA effective October 2008. Claimant had excess assets for September 2008.

(3) Claimant's former authorized hearing representative did not provide to the department all asset verifications as provided to the representative by the claimant.

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 this case, although the department properly determined claimant's asset eligibility for September 2008 based on the information it had at the time, the information was not complete. At hearing, it became apparent that claimant's AHR had not provided verifications to the department even though claimant had provided said verifications to the AHR. Accordingly, the department agreed to take in the additional verifications and make a new determination of claimant's asset eligibility for the month of September 2008. Inasmuch as the new verification related to countable assets and their availability for September 2008, it appears the matter at controversy is resolved.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that there is currently no matter in controversy between claimant and the department.

Accordingly, the hearing is, hereby, DISMISSED. Claimant shall have opportunity to request a hearing on claimant's new determination of asset eligibility for September 2008 once notified by the department as to its findings.

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

Date Signed: December 9, 2009

Date Mailed: December 10, 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:

