

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.: 2009-24630
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 25, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter was heard on February 25, 2010, pursuant to Michigan Compiled Laws (MCL) 400.9 and MCL 400.37 upon the Claimant's request for hearing submitted by her representative, [REDACTED], on her behalf.

ISSUE

Whether the Department properly processed the November 25, 2008, application for the Medical Assistance (MA) program filed by L&S on behalf of the Claimant?

FINDINGS OF FACT

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

1. The Claimant's representative, [REDACTED], filed a Medicaid application for Claimant on November 25, 2008.

2. The Department of Human Services file contains only a Resident County Hospitalization (RCH) Application form for [REDACTED], dated [REDACTED] [REDACTED].
3. On [REDACTED], the RCH Application of [REDACTED] was denied for failure to return verification of employment.
4. Claimant requested a hearing by written Notice to the Department on April 21, 2009.
5. The parties reached an agreement whereby [REDACTED] agrees to reconstruct and resubmit the Medicaid Application dated November 25, 2008, and the Department agrees to accept and process the Application within one week.
6. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the hearing.

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 Michigan Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.1 *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

Under BAM Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and

resolve the client's concerns start when the agency receives a hearing request and continue through the day of the hearing.

In the present case the parties reached an agreement whereby [REDACTED] agrees to reconstruct and resubmit the Medicaid Application dated November 25, 2008, and the Department agrees to accept and process the Application within one week. Since the parties have come to a settlement agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department initiate a review of the resubmitted Medical Assistance Application of November 25, 2008, to determine Claimant's eligibility. The Department shall inform the Claimant and [REDACTED] of the determination in writing.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 8, 2010

Date Mailed: March 8, 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.

JL/pf

cc: L. Nikollaj
L&S
Macomb County DHS (36)/DHS-1843
M. Best
J. Rogers
J. Leventer
Administrative Hearings (2)