

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg No.:2010-172
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 20, 2010
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on April 20, 2010. The claimant appeared and testified. [Click here and type any additional appearances]

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's spend-down case?

FINDINGS OF FACT

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

- (1) The caseworker who worked on this case originally was not present for the case. There was no one present at the time of hearing who could testify as to personal knowledge.
- (2) According to the hearings summary, claimant had an active spend-down deductible Medicaid case.

- (3) Claimant was due for her yearly review of her Medicaid deductible case and due to the fact that she had not met her deductible and 90 days prior to her review, her case was closed for non-use.
- (4) On August 1, 2009, the department caseworker sent claimant notice that her case would be cancelled effective August 13, 2009.
- (5) On August 14, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (6) The department caseworker conceded on the record that claimant's application was not properly processed for Medicaid Disability.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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 department caseworker conceded on the record that claimant's application was not properly processed. Therefore, the department did not establish by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's active spend-down deductible Medicaid case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the department has not established by the necessary evidence that it was acting in compliance with department policy when it proposed to cancel claimant's Medicaid deductible spend-down case.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Medical Assistance spend-down deductible case and to make a determination as to whether or not claimant is eligible to receive Medical Assistance or a spend-down, back to the date of August 1, 2009. The department is to determine whether or not claimant is eligible for SSI or RSDI and shall conduct a disability determination.

/s/

Landis Y. Lain
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 6, 2010

Date Mailed: July 7, 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.

LYL/alc

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