

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

IN THE MATTER OF:

[REDACTED]

Reg. Nos.: 2009-36676
2010-23420
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 7, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on July 7, 2010. Claimant was represented by his daughter, [REDACTED], and her attorney, [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA) 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 May 27, 2009, claimant's daughter filed an application on claimant's behalf for MA benefits. The application did not request retroactive medical coverage.
2. On July 20, 2009, the department denied the application.
3. On July 31, 2009, a hearing request was filed on claimant's behalf by his daughter to protest the department's determination.
4. On October 26, 2009, claimant's daughter filed a new application for MA on claimant's behalf. The application sought retroactive MA benefits for August and September of 2009.
5. On November 23, 2009, the department granted MA benefits to claimant effective October 1, 2009.

6. On November 30, 2009, a hearing request was filed on claimant's behalf to protest the department's failure to provide MA coverage for August and September of 2009.
7. At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of claimant's May 27, 2009, application. The parties agreed that claimant's counsel could submit additional documentation through July 19, 2010. Thereafter, the department agreed to initiate the reconsideration of the May 27, 2009, application and provide claimant and counsel with a written determination by the department.
8. Claimant's daughter and her counsel indicated satisfaction with the department's plan of action.

CONCLUSIONS OF LAW

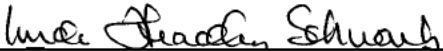
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's May 27, 2009, application for MA benefits. The department agreed to accept new documentation from claimant's counsel up through July 19, 2010. Thereafter, the department indicated that it would initiate reconsideration of the May 27, 2009, application for MA and provide claimant and counsel with a written determination. Claimant's daughter and counsel indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's May 27, 2009, application for Medical Assistance. Claimant and counsel

must submit any additional documentation to the Department for consideration by July 19, 2010. The department shall provide claimant and counsel with a written determination.


Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 20, 2010

Date Mailed: July 20, 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.

LSS/pf

cc:

