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

IN THE MATTER OF:

███████████
███████

Reg. No.:   2010-29447
Issue No.:   2000
Case No.:   ████████
Hearing Date: January 6, 2011
DHS County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant ████████████ request for a hearing. After due notice, a telephone hearing was held on January 6, 2011. Claimant did not appear. ████████████████████, appeared and testified as the Authorized Representative for Claimant at the hearing. ████████████████ ██████████, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's Medical Assistance (MA or Medicaid) application?

FINDINGS OF FACT

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

1.   On January 18, 2008, Claimant applied for MA, including a request for benefits retroactive to October 9, 2007.

2.   DHS failed to act on Claimant's application.

3.   On June 16, 2010, Claimant filed a hearing request notice with DHS.

4.   At the hearing on December 13, 2010, DHS could not produce its file in this matter.

5. At the hearing, DHS agreed to reconstruct and process Claimant's January 2008 application.

6. As a result of DHS' agreement to process Claimant's application, Claimant's representative indicated at the hearing that he no longer wished to continue the administrative hearing process.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reconstruct and process Claimant's MA application. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall reconstruct and process Claimant's January, 2008 MA application. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, ORDERS that DHS shall reconstruct and process Claimant's January 2008 Medicaid application in accordance with DHS policies and procedures.

IT IS SO ORDERED.

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Jan Leventer
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 10, 2011

Date Mailed: January 13, 2011

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: