

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.: 201029942

Issue No.: 2000

Case No.:

[REDACTED]

Load No.:

Hearing Date:

May 20, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing submitted on January 22, 2010. After due notice, an in-person hearing was conducted in Wayne County, Michigan on May 20, 2010. The Claimant was represented by [REDACTED], of [REDACTED]. [REDACTED] FIM and [REDACTED], Non JET Case worker appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's July 22, 2009 Medical Assistance Program ("MA-P") benefit application?

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on 7/22/09 with retroactive benefits applied for through April, 2009.
2. Claimant's case was closed on 10/7/09 for failure to submit required documents to determine disability. However, Claimant's representative was never notified of the required documentation.
3. Claimant has since been approved for RSDI with an onset date of 2007.
4. At the hearing, the Department agreed to reopen Claimant MA application and process it.
5. As a result of this agreement, Claimant indicated that he no longer wished to proceed with the hearing and the settlement alone was placed on the record.

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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference (RFT).

Under Bridges Administrative Manual 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 continues through the day of the hearing.

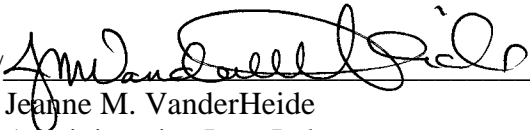
In the present case the Department has agreed to reopen Claimant's MA application and to reprocess it. As a result of this agreement, Claimant indicated via representative that he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED

1. The Department shall reopen Claimant's 7/22/09 MA application as of the date of closure, 10/7/09 and reprocess the application taking into consideration the RSDI approval and onset date.

/s/ 
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2010

Date Mailed: June 9, 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.

JV/htw

