

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:

[REDACTED]

Reg. No.: 201033079  
Issue No.: 2001  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 7, 2010  
Oakland County DHS (4)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 October 7, 2010. The Claimant was not present. [REDACTED] the claimant's guardian appeared and testified. [REDACTED], Assistance Payments Supervisor appeared on behalf of the Department.

**ISSUE**

Whether the Department properly corrected an error when attempting to reopen the claimant's medical assistance application dated September 23, 2009?

**FINDINGS OF FACT**

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

1. At the hearing the claimant's guardian provided Letters of Guardianship effective April 28, 2010 Issued by the Oakland County Probate Court. Exhibit 1. Based upon the documents provided, Michael J. Fraleigh, guardian for [REDACTED] is deemed as guardian to be the authorized representative of the claimant.
2. The claimant applied for medical assistance on September 23, 2009 but the application was never registered by the department.
3. Subsequently, the department attempted to correct the error but was unable to receive a response from the claimant when it attempted to reconstruct the original application.

4. At the hearing the claimant's guardian, attorney [REDACTED] provided a new medical assistance application together with verifications of VA benefit income of \$157 per month received by the claimant, as well as confirmation of the RSDI income which was confirmed to be \$828 per month.
5. The department agreed to process the application provided on behalf of the claimant [REDACTED] and to process a medical spend down budget to determine the amount of the claimant's deductible.
6. The department agreed to provide its medical spend down calculation as well as its determination regarding the application to the claimant's guardian at the guardian's address: [REDACTED].
7. As a result of this agreement, Claimant's guardian indicated that he no longer wished to proceed with the remainder of the hearing.

#### **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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 accept the claimant's application for medical assistance which was provided to it at the hearing and to review same and issue a determination regarding the eligibility of the claimant for medical assistance and the amount of the claimant's spend down deductible.

As a result of this agreement, Claimant's guardian and authorized representative indicated 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 above 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 receive and register of the claimant's application for medical assistance provided to it at the hearing by the claimant's guardian.
2. The department shall make a determination with regard to the claimant's eligibility for Medical Assistance, and shall provide to the claimant's guardian all notices with regard to the claimant's eligibility and its determination of the medical spend down (deductible) amount it determines is applicable to the claimant.
3. All any and all notices of department determinations, redeterminations and other communications shall be sent to the claimant in care of his guardian [REDACTED] at his offices: [REDACTED]



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Lynn M. Ferris  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 10/07/2010

Date Mailed: 10/07/2010

**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.

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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.

LMF/jlg

cc:

