

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

IN THE MATTER OF:



Reg. No: 201036825

Issue No: 2000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 11, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 11, 2010.

ISSUE

Did the Department properly deny claimant's MA application?

FINDINGS OF FACT

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

- (1) Claimant was a MA applicant in Macomb County.
- (2) Claimant applied for MA-P.
- (3) Claimant's MA-P application was denied without a full disability determination.
- (4) Claimant's MA-P application was denied because claimant was "working".

- (5) Claimant's income, according to Department testimony, was below the SGA threshold for 2010.
- (6) The Department agreed to go back and resubmit claimant's MA application to MRT for a full medical determination.
- (7) As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (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 that claimant's MA application was not submitted to MRT for a proper determination. Claimant's MA-P application was denied because claimant was working; however, the Department admitted that claimant

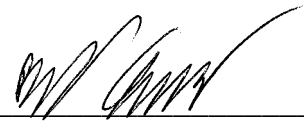
did not have income that was over the SGA threshold that is the actual test in a disability determination. The Department agreed that claimant's MA-P application should be resubmitted to MRT for a proper disability determination. Should claimant disagree with MRT's new decision, claimant is entitled to request a hearing on that decision. As a result of the agreement, claimant agreed that she no longer wished to proceed with the hearing.

Therefore, as a result of the settlement, it is unnecessary for the Administrative Law Judge to render a decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and the claimant have reached a settlement in the current case. Therefore, it is unnecessary for the Administrative Law Judge to render a decision.

The Department is ORDERED to submit claimant's MA-P application to MRT for a determination of disability. The claimant's application registration date is preserved.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/18/10

Date Mailed: 10/20/10

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.

RJC/dj

cc:

