#### 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:



Reg. No.: 2010-41155

Issue No.: 2000

Case No.:

Load No.:

Hearing Date: October 14, 2010

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

## **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 14, 2010. The claimant appeared and testified. The claimant was represented by her daughter and Authorized Representative (AR),

## <u>ISSUE</u>

Did the Department properly process the claimant's Medical Assistance (MA) and retroactive MA applications?

# FINDINGS OF FACT

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

- On December 15, 2009, the department sent the claimant a redetermination packet.
- 2. On April 1, 2010 the department closed the claimant's MA.
- 3. On April 12, 2010, the claimant, through her AR, filed a request for a 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

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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).

#### AII TOA

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due, see RFS 103. Bridges sends a DHS-2063B, continuing Your Food Assistance Benefits, to **FAP** clients for whom FIP, SDA, MA, AMP, and/or TMAP are **not** active. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet is also sent to the MA Authorized Representative on file. (BAM 210)

Here, the Authorized Representative was not sent a redetermination packet.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The department agreed to reinstate the claimant's MA back to the closure date of April 1, 2010, and to pay any benefits appropriately incurred during the closure period.

#### **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 an agreement and ORDERS the department to reinstate the claimant's MA back to the closure date of April 1, 2010, and to pay any benefits appropriately incurred during the closure period. In addition it is ORDERED that the claimant's AR be noticed of all future actions.

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|                |            |       | Adminis<br>For Isma | lichael J. Bennane<br>strative Law Judge<br>el Ahmed, Director<br>of Human Services |
| Date Signed: _ | 10/26/2010 | <br>_ |                     |   |
| Date Mailed: _ | 10/26/2010 | <br>- |                     |   |

<u>NOTICE:</u> 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.

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