

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201043179  
Issue No. 2021  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: October 27, 2010  
St. Joseph County DHS

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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 Wednesday, October 27, 2010. The claimant was not present, but was represented by her great granddaughter who has power of attorney, [REDACTED].

**ISSUE**

Did the department properly determine that the claimant had excess assets for purposes of Medical Assistance (MA-P) eligibility?

**FINDINGS OF FACT**

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

1. On June 25, 2009, the claimant applied for MA-P, but the application was not processed and the department could not find the physical application.
2. On January 28, 2010, the claimant's great granddaughter and power of attorney reapplied for MA-P with retroactive benefits to October 2009.
3. The claimant was found to have excess assets because of a life insurance policy, which resulted in her being denied for retroactive MA-P, but an irrevocable funeral contract was created in January 2010. The claimant was eligible for MA-P starting January 2010 forward.

4. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to make the claimant retroactive for MA-P benefits to June 2009 because the contested assets were put in an irrevocable funeral contract.

### **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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to make the claimant retroactive for MA-P benefits to June 2009 because the contested assets were put in an irrevocable funeral contract. If the claimant does not agree with the determination, she may make another request for a hearing.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

Accordingly, the department's decision is **ORDERED** to put the claimant's eligibility for MA-P retroactive to June 2009, if it has not already done so.

/s/ \_\_\_\_\_  
Carmen G. Fahie  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 12, 2010

Date Mailed: November 12, 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.

CGF / vc

cc:

