

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.: 2010-48437
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: November 8, 2010
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on November 8, 2010, and December 13, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's Medical Assistance (MA or Medicaid) coverage of Medicare premiums properly?

FINDINGS OF FACT

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

1. In April 2009, Claimant applied for MA and requested coverage of his Medicare premiums.
2. Claimant's initial date of service is May 1, 2009. DHS failed to act on Claimant's application.
3. In January 2010, Claimant reapplied and was approved for MA effective February 2010.
4. On June 15, 2010, Claimant filed a hearing request notice with DHS.

5. At the hearing on December 13, 2010, DHS agreed to process Claimant's April 2009 application and provide Medicare premium coverage from May 2009-February 2010.
6. As a result of DHS' agreement to process Claimant's April 2009 application, Claimant indicated at the hearing that he no longer wished to continue the administrative hearing process.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

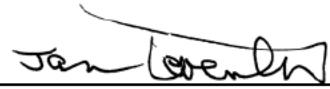
At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will process Claimant's April 2009 application and provide Medicare premium coverage as of May 1, 2009, through February 2010, as appropriate. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall process Claimant's April 2009 MA application and provide Medicare premium coverage effective May 1, 2009, through February 2010, as appropriate. This will be accomplished pursuant to the stipulated agreement of the parties, and in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case IT IS HEREBY ORDERED, based on the stipulated agreement of the parties, that DHS shall process Claimant's April 2009 Medicaid application and provide Medicare premium coverage effective May 1, 2009, through February 2010, as appropriate and in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 15, 2010

Date Mailed: December 20, 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.

JL/pf

cc: 