

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: 2010-48842
Issue No: 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 11, 2011
Genesee County DHS (2)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on July 14, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly determine claimant's spend-down amount and properly allow medical expenses?

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 Program Reference Manual (PRM).

In the instant case, the department caseworker who had originally worked on the file was ill on the date of hearing. Therefore, nobody from the department could testify to personalize as to what occurred during this hearing. Therefore, the department caseworker who appeared at the hearing agreed to determine claimant's eligibility or lack thereof for Medical Assistance benefits from June 2009 forward through December 2010. The department agreed that it would look at previously submitted medical bills from claimant and determine whether or not claimant's deductible spend-down amount of \$ [REDACTED] per month was accurate and determine whether or not claimant met her spend-down for the months of June 2009 through December 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines that the department conceded on the record that claimant was not appropriately notified of her eligibility or lack thereof for the months of June 2009 through December 2010.

Accordingly, the department's actions are hereby REVERSED. The department is ORDERED to determine claimant's eligibility or lack thereof for Medical Assistance for the months of June 2009 through December 2010. The department shall notify claimant in writing of her eligibility or lack thereof for Medical Assistance benefits and shall notify claimant of any spend-down for each of the month and shall notify claimant of whether or not she has met the spend-down for each of the months in question based upon bills which have already been submitted to the department.

Landis

/s/

Y. Lain

Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 19, 2011

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.

LYL/alc

cc:

