

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.: 2010-51236
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 2, 2010
DHS County: Wayne (15)

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 December 2, 2010. Claimant did not appear. [REDACTED] Claimant's Authorized Representative, appeared and testified on her behalf. [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's Medical Assistance (MA or Medicaid) patient pay amount (spend-down or co-pay) 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. On October 14, 2009, Claimant applied for MA and requested the amount required for the patient pay amount.
2. Claimant's initial date of service is June 16, 2009.
3. DHS failed to act on Claimant's application.
4. On July 29, 2010, Claimant filed a notice of hearing request with DHS.

5. On December 1, 2010, DHS processed Claimant's request, but erroneously entered into the computer system that the initial date of service was June 18, 2010.
6. At the hearing on December 2, 2010, DHS agreed to correct the errors in the day and year of the first date of service.
7. As a result of DHS' agreement to correct the errors in the day and year, Claimant indicated at the hearing that she 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 correct the errors in Claimant's initial date of service from June 18, 2010, to June 16, 2009. As the parties have reached a settlement agreement, it is not necessary for the Administrative Law Judge to adjudicate any issues presented. Therefore, I order that DHS shall correct the errors in the day and year of the Claimant's initial date of service from June 18, 2010, to June 16, 2009, pursuant to the stipulated settlement agreement of the parties to this effect.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that IT IS HEREBY ORDERED, based on the stipulated agreement of the parties, that DHS shall correct Claimant's initial date of service in the DHS computer system from June 18, 2010, to June 16, 2009.

IT IS SO ORDERED.



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

Date Signed: December 6, 2010

Date Mailed: December 7, 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:

