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

IN THE MATTER OF:

Reg. No: 2010-52912

Issue No: 2014

Case No: Load No:

Hearing Date: January 6, 2011

Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on January 6, 2011. Claimant personally appeared and testified.

ISSUE

Did the Department of Hum an Services (the department) properly determine that claimant's spend-down amount was appropriate?

FINDINGS OF FACT

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

(1) The department conc eded on the record that it was uncertain that it had made the appropriate decisi on in determining the am ount of claimant's spend-down. Therefore a settl ement was reached on the record. The settlement terms are that the depar tment agreed to r eassess claimant's eligibility for Medical Assistance benef its and fort he spend-down amount if there is one.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the department and claimant agreed that the case would be reversed and the department would reinstate claimant's Medical Assistance application. The department agreed that it would reassess claimant's eligibility for Medicaid and/or a spend-down and also the spend-down amount.

Accordingly, the department's decision is REVERSED. The department shall reasses s claimant's Medical Assistance and Medic al Assistance spend-down and shall notify claimant of her eligibility or lack there of in writing.

		<u>/s/</u>
Landis		Y. Lain Administrative Law Judge
		for Ismael Ahmed, Director
		Department of Human Services
Date Signed:_	January 18, 2011	
Date Mailed:	January 19, 2011	

NOTICE: Administrative Hearings may or der 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 Hear ings 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/alc

cc: