

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.: 2010-53267
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 10, 2011
DHS County: Oakland (63-04)

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 former legal Guardian [REDACTED] request for a hearing. After due notice, a telephone hearing was held on January 10, 2011. Claimant's former legal Guardian, her son, [REDACTED], appeared and testified on behalf of the deceased. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's Medical Assistance (MA or Medicaid) Redetermination application 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. From at least 2007, Claimant received MA benefits from DHS.
2. In about December 2009, DHS sent a Redetermination application form to Claimant requesting updated information about her income and assets.
3. On or about January 22, 2010, [REDACTED], who was then Claimant's legal Guardian, submitted the Redetermination to DHS on his mother's behalf.
4. DHS did not receive the Redetermination.

5. On January 31, 2010, DHS closed Claimant's MA case for failure to submit the Redetermination.
6. On April 1, 2010, DHS reopened Claimant's MA case and provided MA coverage beginning April 1, 2010.
7. On [REDACTED] Claimant died.
8. On August 25, 2010, Claimant's representative filed a hearing request notice with DHS.
9. At the hearing, DHS agreed to process Claimant's January 22, 2010, Redetermination and provide Medicare coverage to Claimant for February and March 2010 as appropriate in conformity with the information in the Redetermination form.
10. As a result of DHS' agreement to process the January 22, 2010, Redetermination, Claimant's representative 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 January 22, 2010, Redetermination and provide Medicare coverage for February-March 2010, taking into consideration the information in the January, 2010, Redetermination. 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 January 22, 2010, Redetermination application and provide Medicare coverage for February-March 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 and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall process Claimant's January 22, 2010, Redetermination application and provide Medicare coverage for February-March 2010 in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 20, 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.

JL/pf

cc:

