

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 20105497
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 1, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

ORDER OF DISMISSAL

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, a hearing was held on March 1, 2010. Claimant was represented by Sam Salamey of Salamey and Farhat, PLLC.

ISSUE

Did the department properly deny claimant's application for failure to verify asset information?

FINDINGS OF FACT

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

- (1) Claimant had a semi-annual review regarding her FAP and MA eligibility.
- (2) The Department, after an investigation, determined that claimant had unreported assets and placed claimant's FAP and MA cases into negative action.
- (3) The asset investigation was the result of a mistaken identity.

- (4) At the hearing, the department agreed to remove the negative action against the claimant in return for a signed affidavit regarding her identity and information regarding the actual holder of the assets in question.
- (5) As a result of this agreement, claimant, via her representative, indicated that she no longer wished to proceed with the hearing.

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 Family Independence Agency (FIA or agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105; MSA 16.490(15). Agency policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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

In the present case, the claimant has alleged that she is not the holder of the assets in question, but is instead the victim of a mistaken identity. The Department has agreed to remove all negative actions against claimant's case that resulted from the issue in question. In return, the claimant offered to sign an affidavit stating that she did not own the assets in question, and to provide the Department with any information she has with regard to the actual holder of the

assets, as well as to assist in an investigation into the same. As a result of this agreement, claimant indicated she no longer wished to proceed with the hearing. Since the claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and the claimant have reached a settlement regarding the disposition of this case.

Accordingly, this case is hereby DISMISSED.

The Department is ORDERED to remove all negative actions in this case, supplementing claimant for any benefits she missed as a result of this negative action back to the date of negative action. The Claimant is ORDERED to provide the Department with an affidavit stating that she does not own the assets in question, and to provide the Department with any information she has with regard to the actual holder of the assets, as well as assist in an investigation into the same.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/06/10

Date Mailed: 04/06/10

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.

RJC/dj

cc:

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