

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: 2010-1834

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 18, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, November 18, 2009. The claimant personally appeared and testified with her authorized representative, [REDACTED]

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance?

FINDINGS OF FACT

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

(1) On January 28, 2009, the claimant applied for Medical Assistance and retroactive Medical Assistance to October 2008.

(2) Subsequently, the claimant was denied MA benefits based on disability.

(3) On July 2, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(4) During the hearing, the claimant's authorized representative stated that the claimant should have been considered for Group II MA for November 2008 because the claimant had qualified for Group II MA for the month of October 2008 and her extended hospital stay was from October to November 2008 where the department should have had a copy of the bills for the contested time period.

(5) During the hearing, the Family Independence Manager (FIM) confirmed that the claimant had met her spend-down and was eligible for MA benefits in October 2008, but she had not been considered for November 2008. A review of the case file discovered the hospital bills for November 2008 that were not processed when the MA spend-down was done for October 2008.

(6) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to determine the claimant's spend-down for November 2008 to determine Group II MA eligibility. [REDACTED] and the claimant agree to sign a hearing withdrawal for the MA disability portion since Group II MA eligibility will be determined for the contested month of November 2008.

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to determine the claimant's spend-down for November 2008 to determine Group II MA eligibility. [REDACTED] and the claimant agree to sign a hearing withdrawal for the MA disability portion since Group II MA eligibility will be determined for the contested month of November 2008. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ordered to determine the claimant's eligibility for November 2008 for Group II MA spend-down, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2009

Date Mailed: December 10, 2009

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.

2010-1834/CGF

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.

CGF/vmc

cc:

