

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.: 2010-29602
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 14, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, a telephone hearing was conducted from Detroit, Michigan on June 14, 2010. [REDACTED] of [REDACTED], [REDACTED] appeared on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly complied with a 3/29/10 administrative order that mandated DHS to reinstate Claimant's 6/27/08 request for MA benefits including retroactive MA benefits.

FINDINGS OF FACT

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

1. An administrative hearing was held on 1/11/10 concerning Claimant's 6/27/08 application for MA benefits.

2. DHS contended that they properly denied Claimant's MA request based on an authorized representative applying for Claimant following Claimant's death, not for excess assets by Claimant.
3. An administrative decision was issued on 3/29/10 ordering DHS to reinstate Claimant's 6/27/08 application including reinstatement of Claimant's request for retroactive MA benefits.
4. DHS requested a rehearing on 4/5/10 claiming the administrative law judge failed to address an issue concerning Claimant's assets.
5. The DHS request for rehearing was granted on 5/24/10.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested administrative case may be disposed of by stipulation of the involved parties. Prior to the conclusion of the hearing, the parties agreed to the following: DHS shall comply with the 3/29/10 order to reinstate Claimant's

application for 5/2008 MA benefits, L&S will furnish DHS with a copy of the 6/27/08 Assistance Application (DHS-1171) due to the inability of DHS to locate Claimant's case file and DHS shall process the application in accordance with their policies. Because of the aforementioned agreement, it is unnecessary for the undersigned to resolve this issue as the involved parties have agreed to a settlement.

DECISION AND ORDER

The actions taken by DHS are REVERSED. It is ordered, based upon agreement of the parties: DHS shall reinstate Claimant's 6/27/08 DHS-1171 including any request for retroactive MA eligibility, [REDACTED] shall furnish DHS with a copy of the originally submitted 6/27/08 Assistance Application and DHS shall process the application in accordance with DHS policies.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/21/2010

Date Mailed: 6/21/2010

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 receipt 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.

CG/jlg

2010-29602/CG

cc:

