

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. 201038231
Issue No. 2014
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 7, 2010
Muskegon 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, July 7, 2010. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly determine that the claimant was not eligible for the Healthy Kids-Pregnant Woman's Medicaid due to excess income?

FINDINGS OF FACT

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

1. The claimant applied for Healthy Kids-Pregnant Woman's Medicaid.
2. On December 15, 2009, the department caseworker determined that the claimant had excess income for the Healthy Kids-Pregnant Woman's Medicaid and sent the claimant a notice that effective November 1, 2009 that the claimant was not eligible.
3. On February 24, 2010, the department received a hearing request from the claimant, contesting the department's negative action.
4. During the hearing, the department caseworker determined that the claimant receives a veteran's benefit in the amount of [REDACTED] and unemployment benefits in the amount of [REDACTED].

5. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to recalculate the claimant's eligibility for the Health Kids-Pregnant Woman's Medicaid and adjust for her unemployment benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to recalculate the claimant's eligibility for the Health Kids-Pregnant Woman's Medicaid and adjust for her unemployment benefits.

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 recalculate the claimant's eligibility for the Health Kids-Pregnant Woman's Medicaid based on her prior application, if it has not already done so.

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

Date Signed: August 30, 2010

Date Mailed: August 30, 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 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/vc

cc:

