

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201049385
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 November 8, 2010. The claimant appeared and testified. The claimant's authorized Representative [REDACTED] through [REDACTED] appeared and testified. [REDACTED], ES and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance Application?

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 filed an application for Medical Assistance and filed a retroactive application and was granted benefits effective September 1, 2009. The Department did not process the retroactive application for benefits.
2. The retroactive application was to be effective retroactively beginning June 1, 2009. The Department indicated that it could not determine why the retroactive application was not processed.
3. The Department agreed that the Claimant should be entitled to medical benefits effective June 1, 2009.

4. The Department agreed that it would retroactively correct the effective date of medical assistance in the Bridges system within 10 days so that the Claimant's coverage for medical benefits begins June 1, 2009.
5. Based upon the Department's agreement to correct the Claimant's medical benefits coverage retroactively to June 1, 2009, the Claimant's representative indicated that he no longer wished to proceed with the hearing and the parties agreed to settle the matter.

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).

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 Department has agreed to correct the effective date of medical benefit coverage by processing the Claimant's retroactive application for medical benefits with benefits to be effective June 1, 2009. As a result of this agreement, Claimant's representative indicated he 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, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

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1. The Department shall process the Claimant's retroactive application for medical assistance to be effective June 1, 2009.
2. The Department shall have ten days to process the application and put into effect the retro active medical coverage.
3. The Department shall issue an Eligibility Notice regarding the processing of the retroactive application and shall provide a copy of the eligibility notice to the Claimant and the Claimant's representative, [REDACTED], [REDACTED].



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/2010

Date Mailed: 11/10/2010

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.

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