

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

IN THE MATTER OF:



Reg No. 20108621
Issue No. 2021
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 8, 2010
Kalamazoo 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 Tuesday, June 8, 2010. The claimant was not present, but was represented by her daughter who has power of attorney.

ISSUE

Did the department properly determine that the claimant was not eligible for Medical Assistance (MA-P) due to excess assets?

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 May 29, 2009, the claimant applied for MA with retroactive MA to March 2009. (Department Exhibit 1-5)
2. On June 3, 2009, the department caseworker sent the claimant's daughter and power of attorney a notice that to determine MA eligibility that proof that check numbers [REDACTED] and [REDACTED] had cleared and proof of the case surrender value for the life insurance policy by June 16, 2009.
3. On June 16, 2009, the department caseworker determined that the claimant had excess income as a result of her savings account of [REDACTED]. (Department Exhibit 7-9)

4. On June 16, 2009, the department caseworker sent the claimant a notice that she was not eligible for MA due to excess income.
5. During the hearing, the claimant's daughter and power of attorney stated that on April 7, 2009 she submitted a check for a funeral trust fund that was cashed April 16, 2009.
6. The parties have reached an agreed upon settlement to resolve the dispute where the department agrees to reprocess the claimant's May 29, 2009 application with retroactive eligibility to March 2009 based on the information provided at the hearing where the claimant may not be eligible for March 2009, but may be eligible for April and May 2009.

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 where the department agrees to reprocess the claimant's May 29, 2009 application with retroactive eligibility to March 2009 based on the information provided at the hearing where the claimant may not be eligible for March 2009, but may be eligible for April and May 2009. If the claimant and her daughter/power of attorney do not agree with the determination, they 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 reprocess the claimant's May 29, 2009 application with retroactive benefits to March 2009, if it has not already done so.

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

Date Signed: July 27, 2010

Date Mailed: July 27, 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:

