

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.: 2011-1040
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 10, 2011
DHS County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing through his Guardian and Authorized Representative, [REDACTED]. After due notice, a telephone hearing was held on January 10, 2011. Claimant did not appear. Claimant's Guardian appeared and testified on his behalf. [REDACTED], and [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

1. Whether DHS properly denied Claimant's Medical Assistance (MA or Medicaid) application of March 22, 2010?
2. Whether DHS properly granted in part Claimant's MA application of May 27, 2010?

FINDINGS OF FACT

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

1. On March 22, 2010, Claimant applied for MA and retroactive MA benefits.
2. On April 20, 2010, and April 26, 2010, DHS sent Claimant Verification Checklists requesting income and asset information.
3. Claimant failed to return either Checklist to DHS.

4. On May 13, 2010, DHS denied Claimant's MA application because he failed to return the Verification Checklist.
5. On May 27, 2010, Claimant applied for MA benefits.
6. As of May 27, 2010, Claimant, a single person, had assets greater than \$2,000.
7. Claimant's May 27, 2010, application was denied for the time period during which he maintained assets over \$2,000, that time period being the month of May 2010.
8. On June 23, 2010, Claimant's Guardian filed a hearing request notice with DHS.
9. At the hearing, DHS explained in its testimony that Claimant failed to produce verification for the first MA application and it was therefore denied.
10. Also at the hearing, DHS explained in its testimony that Claimant had assets over \$2,000 for the month of May 2010 and, as a result, his May 27, 2010, application was denied for that one month.
11. At the hearing, after DHS' testimony was concluded, Claimant's Guardian indicated that she was satisfied with DHS' explanation and no longer wished to proceed with the administrative hearing process

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.


At the hearing, DHS presented a complete explanation of the actions taken as to both of Claimant's applications. In its testimony, DHS presented the information that Claimant failed to verify the information in his first application and that his second application was

denied only for the one month during which he possessed assets over \$2,000, the maximum assets allowable for an applicant to receive MA. As a result of the DHS' explanation at the hearing and the presentation of documents supporting its actions, Claimant's Guardian acknowledged she understood and was satisfied with DHS' actions and no longer wished to dispute DHS' action at the hearing.

I therefore find and conclude that DHS shall be AFFIRMED in this case. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED. IT IS ORDERED that DHS need take no further action in this case.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 20, 2011

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.

JL/pf

cc:

