

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.: 2011-11074  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: February 16, 2011  
DHS County: Macomb (50-12)

**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 Thomas Wilczynski's request for a hearing. After due notice, a hearing was held by telephone on February 16, 2011. Claimant appeared and testified. [REDACTED], witness, and [REDACTED], Authorized Representative, also appeared and testified for the Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) and MA retroactive benefits?

**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 August 3, 2010, Claimant applied to DHS for MA and MA retroactive benefits.
2. On December 1, 2010, DHS awarded MA and MA retroactive benefits to Claimant effective only as of December 1, 2010.
3. On December 13, 2010, Claimant filed a Request for Hearing with DHS.
4. At the hearing on February 16, 2011, DHS agreed to reinstate and process Claimant's August 3, 2010, MA and MA retroactive applications effective as of August 3, 2010.

5. As a result of DHS' agreement to reopen and process Claimant's August 3, 2010, applications, Claimant testified at the hearing that he no longer wished to continue the administrative hearing.

### **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 MA 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](http://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, the parties agreed to settle and resolve the situation with the remedy that DHS will reinstate and process Claimant's August 3, 2010, applications for MA and MA retroactive benefits. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the stipulated agreement of the parties and the findings of fact and conclusions of law above, IT IS ORDERED that DHS shall reinstate and process Claimant's applications for MA and MA retroactive benefits dated August 3, 2010. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reinstate and process Claimant's applications for MA and MA retroactive benefits effective as of the filing date of August 3, 2010. These actions shall be taken in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: February 28, 2011

Date Mailed: March 3, 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:

