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

IN THE MATTER OF:

Reg. No.:   2011-1211
Issue No.:   2000
Case No.:   ▮▮▮▮▮
Hearing Date: January 27, 2011
DHS County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 27, 2011. Claimant was represented by ▮▮▮▮▮ ▮▮▮▮▮. The Department of Human Services (Department) was represented by ▮▮▮▮▮.

ISSUE

Did the Department correctly deny Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1.   Claimant applied for MA on July 29, 2009.

2.   On July 28, 2010, Claimant's authorized representative received a denial notice.

3.   Clamant requested a hearing on September 22, 2010.

4.   At the hearing, the Department agreed to process Claimant's MA application of July 29, 2009, retroactive to April 2009 and to add MA coverage retroactive to April, 2009.

5.   As a result of the agreement, Claimant's authorized representative indicated that he no longer wished to proceed with the hearing.
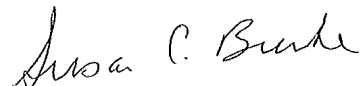
CONCLUSIONS OF LAW

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

In the present case, the Department agreed to process Claimant's MA application of July 29, 2009, retroactive to April 2009 and to add MA coverage retroactive to April 2009. As a result of this agreement, Claimant's authorized representative indicated he no longer wished to proceed with the hearing. Since 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 decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department process Claimant's MA application of July 29, 2009, retroactive to April 2009, and add MA coverage retroactive to April 2009 in accordance with this settlement.

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Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2011

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Date Mailed: February 7, 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.

SCB/pf

cc: