

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

IN THE MATTER OF:

[REDACTED]

February

Hearing

Reg No: 2011-13313
Issue No: 2006
Case No: [REDACTED]
Date: 17, 2011
Wayne County DHS

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 conducted from Detroit, Michigan on February 17, 2011. The Claimant appeared and testified. [REDACTED] appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's daughter's Medicaid Assistance benefits for failure to return the redetermination.

FINDINGS OF FACT

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

1. The Claimant received an annual redetermination from the Department and returned the requested information prior to the due date by leaving it in the drop box at the DHS office.

2. The Department did not receive the redetermination and issued a Notice of Case Action December 17, 2010, closing the Claimant's daughter's other Healthy Kids Medical Assistance as of January 1, 2011.
3. At the hearing, the Department agreed to reopen the Claimant's daughter's Medical Assistance case and to reprocess the case and issue another redetermination and determine eligibility of the Claimant's daughter for Medical Assistance.
4. As a result of the Department's agreement, the Claimant indicated that she no longer wished to continue with the Administrative hearing.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

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 parties reached an agreement and stipulated to a settlement whereby the Department agreed to reopen the Claimant's daughter's Medical Assistance case and to issue another redetermination and determine eligibility of the Claimant's daughter for Medical Assistance.

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

Based upon the above Findings of Fact and the Conclusions of Law and the stipulated settlement agreement of the parties,

IT IS HEREBY ORDERED:

1. The Department shall retroactively reopen and reinstate the Claimant's daughter's Medical Assistance case as of January 1, 2011, the date of closure.
2. The Department shall issue and send the Claimant a redetermination to be completed by the Claimant and determine eligibility of the Claimant's daughter for Medical Assistance.

Administrative
For
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/16/11

Date Mailed: 03/21/11

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.

LMF/dj

cc:

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