

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.: 2011-16629
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: February 24, 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 [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 24, 2011. Claimant appeared and testified. [REDACTED], Claimant's witness, was also present at the hearing. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for continuing Medical Assistance (MA or Medicaid) Adult Medical Program (AMP) 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 November 1, 2010, DHS approved MA AMP benefits for Claimant for a two-month period.
2. On November 30, 2010, DHS Issued a Notice of Case Action to Claimant stating that on January 1, 2011, she would no longer be eligible for AMP.
3. On December 31, 2010, Claimant's verified assets were less than \$3,000.
4. Claimant is eligible for continuing MA AMP benefits based on her assets.
5. On December 29, 2010 Claimant filed a hearing request with DHS.

6. At the hearing on February 24, 2011, DHS agreed to reinstate and continue Claimant's AMP benefits effective retroactively to January 1, 2011.
7. As a result of DHS' agreement to reopen and reprocess Claimant's AMP benefits, Claimant testified at the hearing that she was satisfied and she no longer wanted to exercise her right to an 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 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.

AMP was established by Title XXI of the Social Security Act and Sec. (1115)(a)(1) of the Social Security Act. AMP is administered by DHS pursuant to MCL 400.10 *et seq.* DHS' policies are contained in BAM, BEM and RFT. *Id.*

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 reopen and reprocess Claimant's MA AMP benefits for January 1, 2011, and continuing. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, based on the findings of fact and conclusions of law above and on the stipulated agreement of the parties, IT IS ORDERED that DHS shall reinstate and reprocess Claimant's January 1, 2011, and continuing MA AMP benefits. This shall be accomplished 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 reopen and reprocess Claimant's January 1, 2011, and continuing MA AMP benefits. DHS shall conduct these actions in accordance with DHS policies and procedures.



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

Date Signed: March 2, 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:

