

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.: 2011-19349
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 10, 2011
DHS County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 10, 2011. Claimant appeared and testified.

[REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) Group 2 Caretaker (G2C) 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, 2009, DHS provided Claimant with MA-G2C benefits. Claimant was not required to pay a Patient Pay Amount (PPA, deductible, or spend-down).
2. On November 10, 2010, DHS imposed a PPA of \$88 per month upon Claimant.
3. Claimant did not produce receipts of her medical expenses for October-December 2010, and these receipts, if sufficient, are necessary to fulfill her PPA requirements for November-December 2010 and January, 2011.
4. On January 20, 2011, Claimant filed a notice of hearing request with DHS.

5. At the hearing, the Department agreed that in the event Claimant submitted appropriate documentation of her medical expenses for the required three months, DHS would determine her eligibility for MA-G2C benefits for the appropriate months of coverage.
6. As a result of this agreement Claimant indicated she no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

MA was established by Title XIX of the 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.

In the present case, DHS agreed to process Claimant's medical expense receipts, determine whether Claimant met her spend-down for the months of November and December 2010 and January, 2011, and if the spend-down requirements and all other MA requirements are met, provide MA benefits to Claimant for those three months. As a result of this agreement, Claimant testified that she no longer wished to proceed with the hearing. Since the Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

Based on the findings of fact and conclusions of law above and on the stipulated settlement agreement of the parties, IT IS HEREBY ORDERED that DHS will accept Claimant's medical expense receipts for October-December 2010 and determine if she meets the spend-down requirements for those months and, should Claimant meet the spend-down and all other MA requirements, DHS will provide MA benefits to Claimant for the months of November and December 2010 and January, 2011.

IT IS SO ORDERED.



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

Date Signed: March 16, 2011

Date Mailed: March 17, 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:

