

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-20792
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Macomb (50-20)

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 hearing by telephone was held on May 19, 2011. Claimant appeared and testified. [REDACTED] appeared and testified as a witness for Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance-Adult Medical Program benefits (MA or Medicaid-AMP)?

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. In 2010, Claimant was a recipient of AMP.
2. On November 16, 2010, DHS sent Claimant a Redetermination notice requesting current information about her income and expenses.
3. Claimant did not receive the Redetermination Notice.
4. On January 28, 2011, DHS advised Claimant that her AMP benefits would close on February 1, 2011.
5. Also on January 28, 2011, Claimant filed a request for a hearing with DHS.

6. On February 1, 2011, DHS terminated Claimant's AMP benefits.
7. At the hearing on May 19, 2011, DHS offered to reinstate Claimant's AMP, permit her to file the Redetermination documents and, if otherwise eligible, to grant AMP benefits to her.
8. As a result of DHS' agreement to reinstate Claimant's AMP case, Claimant testified she 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.

AMP was established by Title XXI of the Social Security Act, Sec. (1115)(a)(1), and 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 resolve the situation with the remedy that DHS will reinstate Claimant's AMP, allow her to submit Redetermination documents and, if she is otherwise eligible, grant AMP benefits to her. 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 findings of fact and conclusions of law above and the settlement agreement of the parties, IT IS ORDERED that DHS shall reinstate Claimant's AMP benefits effective February 1, 2011, accept Redetermination documents from her, and if she is otherwise eligible, grant AMP benefits to her as of that date. 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 Claimant's AMP benefits, accept her Redetermination paperwork and, if she is otherwise eligible, grant AMP benefits to her as of February 1, 2011. DHS shall conduct this action in accordance with its policies and procedures.

IT IS SO ORDERED.



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

Date Signed: May 24, 2011

Date Mailed: May 26, 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:

