

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 24863
Issue Nos: 2001;2026
Case No: [REDACTED]
Hearing Date:
April 21, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 21, 2011. The Claimant appeared and testified. [REDACTED] also appeared and testified as a witness. [REDACTED], Assistance Payments Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was ineligible for Medical Assistance (MA).

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 applied for Medical Assistance (MA) and Food Assistance (FAP) on February 8, 2011.
2. The Department issued a notice of case action dated February 11, 2011, which denied the Claimant's application for Medical Assistance finding that he was not blind, disabled, or a parent/caretaker of a dependent child or meet the age requirements, and the Adult Medical Program was closed.
Exhibit 1
3. The Department properly concluded that the AMP program was closed and that the Claimant was not eligible for that program due to its closure.
4. The Notice of Case Action erroneously concluded that the Claimant was not eligible for Medicaid because he was not disabled.
5. The Claimant receives RSDI income and is disabled. Exhibit 2
6. At the hearing, the Department agreed to reopen and reprocess the Claimant's application for Medical Assistance, dated February 11, 2011, to determine the Claimant's eligibility for Medicaid subject to a spend down amount.
7. As a result of this agreement, Claimant indicated that he no longer wished to proceed with the remainder of the hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (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 Reference (RFT).

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 Department has agreed to reopen and reprocess the claimant's application for medical assistance and issue a determination regarding the eligibility of the claimant for medical assistance for a medical deductible program based upon the fact that the Claimant is disabled.

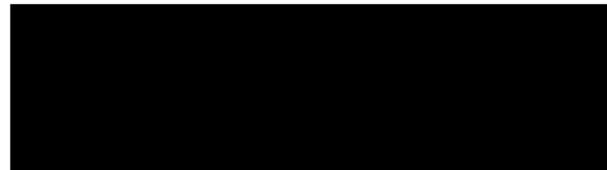
As a result of this agreement, the Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reprocess the claimant's application for medical assistance dated February 11, 2011.
2. The Department shall make a specific determination with regard to the claimant's eligibility for Medical Assistance with regard to the claimant's eligibility for Medicaid subject to a medical spend down (deductible) amount.



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

Date Signed: 05/18/11

Date Mailed: 05/20/11

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: 
Macomb County DHS (Dist #20) / DHS-1843

Administrative Hearings