

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

IN THE MATTER OF:



RD Reg No: 201125517
Reg. No: 200829334
Issue No: 2010
Hearing Date: April 1, 2011
Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.919(3) upon claimant's request for a reconsideration.

FINDINGS OF FACT

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

1. On March 15, 2011, the undersigned Administrative Law Judge issued a decision and order in the above-captioned matter regarding claimant's divestment penalty application.
2. The 20089334 Hearing Decision is entirely adopted and incorporated by reference herein except for the last paragraph in the decision and order where a clerical error occurred.
3. The entire decision stands. The department was and is reversed as to the application date of the divestment penalty. The only change is the wording in the last paragraph as indicated herein.
4. On March 24, 2011, claimant's counsel identified a clerical error in the last paragraph and requested correction.
5. On April 1, 2011, Administrative Law Judge Manager Marya Nelson-Davis issued an Order for Reconsideration assigning the case to the undersigned Administrative Law Judge.

As noted in the Findings of Fact, the entire previous hearing decision is adopted and incorporated by reference herein. The only change is the last paragraph in the Decision and Order which should read as follows:

Accordingly, the department's application of a divestment period beginning in May, 2007 was incorrect. The department is Ordered to reprocess this case with a divestment penalty beginning December, 2006 for 13 months. The divestment period is to expire at the end of December, 2007. The department is Ordered to reimburse claimant for any monies owed at the end of the new divestment period—beginning January, 2008; the department shall reimburse claimant monies from January 2008 through May 2008 for the long-term care.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 8, 2011

Date Mailed: April 8, 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.

JGS/db

cc:

