

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

IN THE MATTER OF:

[REDACTED]

Reg. No. : 2011-31637
Issue Nos. : 2000, 4000
Case No.: [REDACTED]
Hearing Date: June 14, 2011
DHS County: Wayne (76)

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 June 14, 2011. The Claimant appeared and testified. [REDACTED], Rehabilitation Social Worker, Southwest Solutions, appeared as the Authorized Representative for Claimant. [REDACTED], Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) and State Disability Assistance (SDA) 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 March 11, 2010, Claimant applied for MA benefits with DHS.
2. On or after March 11, 2010, DHS approved MA for Claimant in the Adult Medical Program (AMP), and also approved SDA benefits of \$269 per month.

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3. On May 1, 2010, the U.S. Social Security Administration approved Claimant for Retirement, Survivors and Disability Insurance (RSDI) benefits of \$983 per month.
4. On December 1, 2010, DHS closed Claimant's AMP benefits case.
5. On March 21, 2011, Claimant applied for MA benefits.
6. On April 13, 2011, DHS issued a Notice of Case Action denying Claimant's application for MA benefits.
7. On April 21, 2011, Claimant filed a Request for a Hearing with DHS.
8. On June 1, 2011, DHS terminated Claimant's SDA benefits.
9. On June 14, 2011 at the Administrative Hearing, DHS agreed to reregister and reprocess Claimant's SDA case, and to reprocess Claimant's MA application, taking into consideration Claimant's status as a recipient of housing and health care subsidies through Southwest Solutions.
10. As a result of DHS' agreement to reregister and process her MA application and SDA benefits, Claimant indicated at the hearing that she no longer wished to continue with the Administrative Hearing process.

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. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

SDA provides financial assistance for disabled persons and is established by 2004 Michigan Public Acts (PA) 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3151-400.3180. Department policies are found in BAM, BEM and RFT. *Id.*

Under BAM 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

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fair hearing. Efforts to clarify and resolve the client's concerns start when the agency 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 reregister and reprocess Claimant's MA application and SDA benefits, taking into consideration Claimant's housing and health care subsidies provided through Southwest Solutions. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

Therefore, IT IS ORDERED that DHS shall reregister and reprocess Claimant's MA application and SDA benefits, taking into consideration Claimant's housing and health care subsidies provided through Southwest Solutions. This will be accomplished pursuant to the stipulated agreement of the parties, and in accordance with DHS policy and procedure.

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 reregister and reprocess Claimant's MA application and SDA benefits, taking into consideration Claimant's housing and health care subsidies provided through Southwest Solutions. DHS shall conduct these actions in accordance with DHS policy and procedure.

IT IS SO ORDERED.



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

Date Signed: June 20, 2011

Date Mailed: June 21, 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

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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.

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cc:

