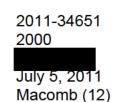
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. Issue No. Case No. Hearing Date:



ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Admi nistrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 40 0.37, and Claim ant's request for a hearing. After due notice, a telephone hear ing was held on July 5, 2011 in Detroit, Michigan. The Claimant appeared and testif ied at the hearing. Eligibilit y Specia list, appeared and testified on behalf of the Department of Human Services (DHS).

<u>ISSUE</u>

Whether Claimant cooperated with DHS in processing her application for Medical Assistance (MA or Medicaid)?

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 September 16, 2010, Claimant applied for MA.
- 2. On November 15, 2010, DHS sent Claimant a Medical Determination Verification Checklist and a Verification of Employme nt form, requesting information from Claimant. DHS requested the information be submitted by November 29, 2010.
- 3. Claimant did not receive the verification forms.
- 4. On December 7, 2010, DHS denied Claimant's application.

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- 5. On March 7, 2011, Claimant filed a Hearing Request with DHS.
- 6. At the Administrative Hearing on July 5, 2011, DHS agr eed to reinstate and process Claimant's application.
- 7. As a result of DHS' agreement to rein state her application, Claimant for her part agreed with a settlement to that effect and testified she no longer wished to proceed with 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 Regulati ons. DHS administers MA pursuant to MCL 400.10 *et seq*. and MCL 400.105. Department po licies are found in Bridge s Administrative Manual (BAM), Bridges El igibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at <u>www.michigan.gov/dhs-manuals</u>.

Under BAM Item 600, clients have the right to contest any agency decision affecting eligibility or benefit le vels whenever they believe the decision is illegal. The a gency provides an Administ rative 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 continue through the day of the hearing.

On the day of the hearing the parties agree to resolve their differences with the solution that DHS will reinst ate and process Claimant's MA application. As the parties agree to resolve their differences, it is not necessary for the Adm inistrative Law Judge to issue a decision in this case.

In conclusion, based on the findings of fact, the conclusions of law, and the stipulated agreement of the parties to this case, I determine and conclude that DHS shall reinstate and reprocess Claimant's MA application in accordance with all DHS polic ies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the abov e findings of fact, the conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that

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DHS shall reinstate and reprocess Claimant's MA application. DHS shall conduct these actions in accordance with DHS policies and procedures.

Ja

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

Date Signed: July 7, 2011

Date Mailed: July 7, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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/cl