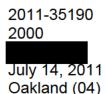
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

### IN THE MATTER OF:



Reg. No.20Issue No.20Case No.10Hearing Date:Ju



# 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 a nd 400.37, which govern the administrative hearing and appeal process, and Claim ant's request for a hearing. After due notice, a telephone hearing was held on July 14, 20 11 in Detroit. The Claimant appeared and te stified at the hearing. L&S Assoc. Inc., appeared and testified as the Authorized Hearing Representative for r Claimant. L&S Assoc. Inc., appeared and testified as a witness for Claimant. Claimant. Assistance Payments Supervisor, appeared and testified on behalf of the Department of Human Services (DHS).

#### ISSUE

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

#### FINDINGS OF FACT

The Administrative Law Judge, based on com petent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

- 1. On November 4, 2010, Claimant applied for MA.
- On December 20, 2010, DHS denied Claimant's application based on Claimant's assets.
- 3. Claimant's assets incl ude a life insurance policy with Insurance Company.

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- 4. On March 16, 2011, Claimant filed a Hearing Request with DHS.
- 5. At the Administrative Hearing on Ju ly 14, 2011, DHS agreed to reinstate and process Claimant's applic ation, allowing Claimant an extens ion of time in which to provide information as to the insurance policy as of October, 2010.
- 6. As a result of DHS' agreement to rein state her application, Claimant for her part agreed with the settlement 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 Regulations. DHS administers MA pursuant to MCL 400.10 *et seq*. and MCL 400.105. Department policies are found in Bridges 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 agreed to resolve their differences with the solution that DHS will reinstate and proce ss Claimant's MA application, including an extension of time for Claimant to submit insurance information for October, 2010. As the parties agree to resolve their differences, it is not necessary for the Administrative 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 DHS shall:

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- 1. Reinstate and reprocess Claimant's MA application.
- 2. Provide an extension of time to Claimant in wh ich to su bmit insur ance information as of October, 2010.

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 14, 2011

Date Mailed: July 14, 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

