

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-35190
Issue No. 2000
Case No. [REDACTED]
Hearing Date: July 14, 2011
Oakland (04)

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, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 14, 2011 in Detroit. The Claimant appeared and testified at the hearing. [REDACTED] L&S Assoc. Inc., appeared and testified as the Authorized Hearing Representative for Claimant. [REDACTED] appeared as a witness for Claimant. [REDACTED] 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 competent, 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.
2. On December 20, 2010, DHS denied Claimant's application based on Claimant's assets.
3. Claimant's assets include a life insurance policy with [REDACTED] Insurance Company.

4. On March 16, 2011, Claimant filed a Hearing Request with DHS.
5. At the Administrative Hearing on July 14, 2011, DHS agreed to reinstate and process Claimant's application, allowing Claimant an extension of time in which to provide information as to the insurance policy as of October, 2010.
6. As a result of DHS' agreement to reinstate 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 Bridge's Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

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 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 process 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 policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above 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 which to submit insurance information as of October, 2010.

DHS shall conduct these actions in accordance with DHS policies and procedures.



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 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.

JL/cl

cc:

