

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-3970
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: February 7, 2011
DHS County: Wayne (82-49)

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]'s request for a hearing. After due notice, a hearing was held in person on February 7, 2011. Claimant appeared and testified. [REDACTED], Claimant's husband and Authorized Representative, appeared and testified for Claimant. [REDACTED] st, and [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) benefits in the Aged/Disabled Care (AD Care) program?

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 August 12, 2010, Claimant applied to DHS for MA benefits.
2. Beginning September 1, 2010, DHS awarded Claimant Medicaid benefits with the requirement of an \$816 Patient Pay Amount (co-pay, spend-down or deductible).
3. Claimant may be eligible for another MA program, AD Care.
4. On October 8, 2010 Claimant filed a hearing request with DHS.

5. At the hearing DHS agreed to reopen and reprocess Claimant's August 12, 2010, application through the AD Care program.
6. As a result of DHS' agreement to reopen and reprocess Claimant's August 12, 2010, application as an application for AD Care, Claimant testified at the hearing that she no longer wished to continue 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 the Bridges Administrative Manual (BAM), the 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 DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS 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 reopen and reprocess Claimant's eligibility for MA AD Care benefits as of August 12, 2010, the date of Claimant's application. 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 reopen and recalculate Claimant's eligibility for MA AD Care benefits beginning August 12, 2010. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

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 reopen and recalculate Claimant's eligibility for MA AD Care benefits beginning August 12, 2010. DHS shall conduct these actions in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: February 10, 2011

Date Mailed: February 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/pf

cc:

