

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.: 2011-4324
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 27, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 27, 2011. Claimant appeared and testified. Claimant's husband, [REDACTED], also testified on behalf of Claimant. The Department of Humans Services (Department) was represented by [REDACTED].

ISSUE

Did the Department correctly calculate Claimant's Medical Assistance (MA) spend down?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was a Transitional Medical Assistance (TMA) recipient from October 1, 2009, through September 30, 2010.
2. The Department closed Claimant's TMA case on September 30, 2010.
3. The Department determined that Claimant had a spend-down amount of \$658.00.
4. Claimant requested a hearing on November 3, 2010, contesting the spend-down.

5. At the hearing, the Department agreed to re-calculate Claimant's MA coverage effective October 1, 2010. As a result of the agreement, Claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

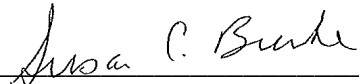
The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under BAM Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

In the present case, the Department agreed to re-calculate Claimant's MA coverage effective October 1, 2010. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department re-calculate Claimant's MA coverage effective October 1, 2010, in accordance with this settlement.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 3, 2011

2011-4324/SCB

Date Mailed: February 7, 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.

SCB/pf

cc:

