

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 7800
Issue No.: 2000, 2006
Case No.: [REDACTED]
Hearing Date: January 31, 2011
Office: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 31, 2011. The claimant's authorized Representative [REDACTED] appeared and testified. Sallie Kuhne, Assistant Payments Supervisor appeared on behalf of the Department.

ISSUE

Whether the Department closed the Claimant's Medical Assistance benefits on the correct end date.

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance and the application was denied by Notice of Case Action on July 1, 2010, due to a missed doctor's appointment. Exhibit 1
2. At the time of her application for Medical Assistance, the Claimant was deemed disabled and was receiving RSDI.
3. At the hearing, the Department agreed to retroactively re-register and process the Claimant's application for Medical Assistance as of November 1, 2009, retroactive to August 2009, and to determine the Claimant's eligibility for Medical Assistance.
4. Based upon the Department's agreement to re-register and process the Claimant's Medical Assistance application as of November 1, 2009, retroactive to

August 2009, the Claimant's representative indicated that he no longer wished to proceed with the hearing and the parties agreed to settle the matter.

CONCLUSIONS OF LAW

The Medical Assistance (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 Department of Human Services (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 Bridges Administrative Manual 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 continues through the day of the hearing.

In the present case, the Department has agreed to retroactively re-register and process the Claimant's application for Medical Assistance and determine the Claimant's eligibility for benefits as of November 9, 2009, retroactive to August 2009. As a result of this agreement, Claimant's representative indicated he no longer wished to proceed with the hearing. Since the 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall retroactively re-register and process the Claimant's November 2009 application for Medical Assistance, retroactive to August 2009, and determine the Claimant's eligibility for Medical Assistance.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 02/10/11

Date Mailed: 02/16/11

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.

LMF/dj

cc:

