

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.: 2011-9045
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 13, 2011
DHS County: Wayne (82-18)

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] request for a hearing. After due notice, a telephone hearing was held on January 13, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly calculated Claimant's Medical Assistance (MA or Medicaid) Patient Pay Amount (MA deductible)?

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. In 2009, Claimant received full MA coverage as a part of the Family Independence Program (FIP).
2. On January 31, 2010, Claimant's FIP benefits ceased.
3. On February 1, 2010, Claimant's MA benefits continued with the added requirement of a \$260 monthly deductible.
4. On June 1, 2010, Claimant began to receive Low Income Family (LIF) benefits, and no MA deductible was required.

5. On October 31, 2010, Claimant's LIF benefits ceased.
6. On November 1, 2010, DHS continued to provide MA benefits to Claimant, reinstating the \$260 monthly deductible required of Claimant before she was in the LIF program.
7. On December 1, 2010, Claimant filed a request for a hearing with DHS.
8. At the hearing, DHS agreed to recalculate Claimant's MA budget for the purpose of confirming the correct amount of Claimant's deductible.
9. As a result of DHS' agreement to recalculate Claimant's MA deductible, Claimant indicated at the hearing that she was satisfied and she no longer wished to continue the administrative hearing process.

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 the MA program pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' 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 recalculate Claimant's MA budget in order to confirm the correct amount of the required Patient Pay Amount or deductible. Because the parties agreed to settle their differences at the hearing, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall recalculate Claimant's MA budget to verify that the deductible has been calculated correctly. 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 recalculate Claimant's MA budget to verify the amount of the deductible. DHS shall complete this process 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: January 18, 2011

Date Mailed: January 20, 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:

