

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 9396
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 2, 2011
Wayne County DHS 19

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 February 2, 2011. The claimant's Guardian, [REDACTED] appeared on the claimant's behalf and testified. Myra Hill, Program Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Ad Care case and the Qualified Medicare Benefit Saving Program for failure to complete the redetermination.

FINDINGS OF FACT

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

1. The claimant was a recipient of the Medicaid pursuant to the AD Care program and the Qualified Medicare Benefit Savings Program.
2. The Claimant's case was closed by notice of case action dated June 10, 2010, effective July 1, 2010, for failure to complete the redetermination. Exhibit 1
3. During the hearing, the Department agreed to retroactively reinstate the Claimant's AD Care Case and Medicare Benefit Savings Program as of July 1, 2010, as it determined that the Redetermination papers were sent to the wrong address. The Claimant's guardian agreed to complete any employment verifications as required.

4. Based upon these agreements, the Claimant's guardian indicated that he no longer wished to proceed with the hearing.

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 instant matter, the claimant was an ongoing recipient of Ad Care and the Medicare Benefit Savings program and the cases were closed for failing to complete the redetermination and verify requested employment information. The Department agreed at the hearing that based on its review of the case it determined that the claimant never received the redetermination and it agreed to reopen and reinstate the AD Care case and Medicare Benefit Savings program case retroactive to the date of closure, July 1, 2010. The claimant's Guardian agreed to provide the Department within 10 days from the date of the hearing employment verification information.

Based upon the agreements of the parties it is unnecessary for this Administrative Law Judge to render a decision based upon the facts and issues in this matter.

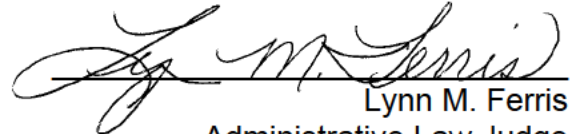
DECISION AND ORDER

The Administrative Law Judge, based upon the agreements of the parties having come to a settlement regarding the claimant's request for hearing, it is unnecessary for a decision to be rendered in this matter.

Accordingly, it is ORDERED:

1. The Department shall reopen and retroactively reinstate the Claimant's AD Care case and Medicare Benefits Savings Program case as of July 1, 2010.
2. The claimant's Guardian shall submit to the Department the required verifications of employment as requested by the Department. The claimant's Guardian shall submit the verification information within 10 days from the date of the hearing.

3. The Department upon receipt of the verification information from the claimant's Guardian shall complete its redetermination and determine the Claimant's eligibility for Ad Care and the Medicare Savings Program benefits.


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:

