

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

IN THE MATTER OF:



Reg. No.: 2011-14279  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: February 17, 2011  
DHS County: Wayne (82-82)

**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 hearing by telephone was held on February 17, 2011. Claimant did not appear. [REDACTED], appeared and testified for Claimant. [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?

**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 September 30, 2010, Claimant applied for MA and MA retroactive benefits with DHS.
2. On November 5, 2010, DHS denied Claimant's applications.
3. Beginning December 1, 2010, DHS awarded Claimant Medicaid benefits.
4. On January 10, 2011, Claimant filed a Request for Hearing with DHS.
5. At the hearing on February 17, 2011, DHS agreed to reopen and reprocess Claimant's September 30, 2010, application for MA and MA retroactive benefits.

6. As a result of DHS' agreement to reopen and reprocess Claimant's September 30, 2010, applications, Claimant testified 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. 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](http://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 resolve the situation with the remedy that DHS will reopen and process Claimant's eligibility for MA and MA retroactive benefits, resulting in possible six-month retroactive coverage for Claimant (June-November 2010). 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 reprocess Claimant's eligibility for MA and MA retroactive benefits based on her September 30, 2010 application. 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 process Claimant's September 30, 2010, application for MA and MA retroactive benefits and supplement MA coverage for the months of June-November 2010 if appropriate. DHS shall conduct these actions in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: February 28, 2011

Date Mailed: March 3, 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:

