

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.: 2011-1563
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 12, 2011
DHS County: Oakland (63-03)

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 12, 2011. Claimant appeared and testified. Claimant was represented by [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS). Also present was [REDACTED]

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 July 21, 2010, Claimant applied for MA.
2. On July 21, 2010, DHS sent Claimant a Verification Checklist, DHS Form 3503, requesting that necessary information be returned to DHS by August 2, 2010.
3. Claimant failed to return the requested information.
4. On August 26, 2010, DHS denied Claimant's application based on Claimant's failure to provide verification information.
5. On September 7, 2010, Claimant filed a hearing request with DHS.

6. At the hearing on January 12, 2011, DHS agreed to reconstruct and reprocess Claimant's July 21, 2010, application and accept a retroactive application with the July 21, 2010 date from Claimant.
7. As a result of DHS' agreement to reconstruct and reprocess Claimant's July 21, 2010, application, and to permit her to file a MA retroactive application dated July 21, 2010, Claimant indicated at the hearing that she no longer wished to continue with 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.

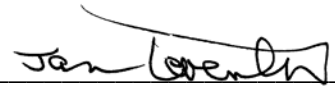
At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reconstruct and reprocess Claimant's July 21, 2010, application, and DHS will accept a MA retroactive application dated July 21, 2010 and process it as well. This stipulated agreement will allow Claimant the opportunity to submit verification information to DHS in a timely manner. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall reconstruct and reprocess Claimant's July 21, 2010, MA application and provide Claimant an opportunity to submit a retroactive MA application dated July 21, 2010, to be processed as well. 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 reconstruct and reprocess Claimant's July 21, 2010 Medicaid application and accept an MA retroactive application dated July 21, 2010, 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 20, 2011

Date Mailed: January 26, 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:

