

**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.: 2011-16132
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 3, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan, on Thursday, March 3, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance ("MA") benefit case?

FINDINGS OF FACT

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

1. The Claimant was an MA recipient.
2. On November 16, 2010, the Department mailed a redetermination packet to the Claimant.
3. The packet was not returned.
4. On December 17, 2010, the Department notified the Claimant that his MA benefits would close effective December 31, 2010.
5. On January 6, 2010, the Department received the Claimant's written request for hearing.

6. During the hearing, the parties reached an agreement where the Claimant would complete a new application seeking retroactive benefits from January 2011.

CONCLUSIONS OF LAW

The MA program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").


In the record presented, the Department terminated the Claimant's MA benefits due to the Claimant's failure in returning the redetermination packet. During the hearing, the Claimant agreed to submit, and the Department agreed to process, a new application with retroactive benefits from January 2011 (thus no loss of coverage). In light of the accord, there is no additional issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the parties have reached an agreement.

Accordingly, it is ORDERED:

1. The Department shall process, as agreed, the Claimant's new application with retroactive benefits from January 2011 in accordance with Department policy.
2. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2011

2011-16132/CMM

Date Mailed: March 17, 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.

CMM/pf

cc:

