

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-20323
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 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, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 17, 2011. Claimant did not appear. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED], Claimant's Authorized Hearing Representative, appeared and testified at the hearing. [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant cooperated with DHS in processing his application for Medical Assistance (MA or Medicaid)?

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 February 20, 2011, Claimant applied for MA and retroactive MA benefits with DHS.
2. On February 25, 2011, DHS sent Claimant a Verification Checklist requesting bank account information.
3. Claimant failed to submit the information in a timely fashion.

4. On March 10, 2011, DHS issued a Notice of Case Action denying MA benefits to Claimant.
5. On March 30, 2011, Claimant filed a Hearing Request with DHS.
6. At the Administrative Hearing on August 17, 2011, DHS agreed to reinstate Claimant's MA application and grant him a reasonable extension in which to provide bank account information.
7. As a result of DHS' agreement to reinstate his application, Claimant's authorized representative agreed with the settlement and testified she no longer wished to proceed with 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.

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.

On the day of the hearing, the parties agreed to resolve their differences with the solution that DHS will reinstate Claimant's MA application of February 20, 2011. As the parties agree to resolve their differences, it is not necessary for the Administrative Law Judge to issue a decision in this case.


In conclusion, based on the findings of fact, the conclusions of law, and the stipulated agreement of the parties to this case, it is determined and concluded that DHS shall reinstate Claimant's MA application in accordance with all DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, the conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall:

1. Initiate procedures to reinstate Claimant's MA application;
2. Initiate procedures to provide a reasonable extension of time to Claimant in which to provide his bank statements to DHS to support his MA application.

DHS shall conduct these actions in accordance with DHS policies and procedures.



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

Date Signed: August 18, 2011

Date Mailed: August 22, 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:

