

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.: 2011-20406
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 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 telephone hearing was held on March 17, 2011. Claimant did not appear. [REDACTED], Claimant's Authorized Representative, appeared and testified on behalf of Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's Medical Assistance (MA or Medicaid) application properly?

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 January 21, 2011, Claimant applied for MA benefits with retroactive coverage.
2. On January 24, 2011, Claimant received a DHS denial of her application for the stated reason that her assets exceeded the maximum allowable to qualify for the program, i.e., \$2,000.
3. On February 7, 2011, Claimant filed a Hearing Request with DHS.

4. At the Administrative Hearing on March 17, 2011, Claimant produced a legible report of her assets, indicating that her assets at the relevant time were less than \$2,000.
5. Based on the Claimant's production of legible documentation at the hearing, DHS agreed to reopen and reprocess Claimant's retroactive MA application.

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.

On the day of the hearing, the parties agreed to resolve their differences with the solution that based on newly-produced documentation of Claimant's assets, DHS will reopen and reprocess Claimant's retroactive MA application. As the parties agreed 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, I determine and conclude that DHS shall reopen and reprocess Claimant's retroactive 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 reopen and reprocess Claimant's MA retroactive application. DHS shall conduct these actions 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: March 30, 2011

Date Mailed: April 4, 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:

