

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.: 2011-20796
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 28, 2011
DHS County: Macomb (50-20)

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 the hearing request of [REDACTED], the Authorized Hearing Representative of the Claimant [REDACTED]. After due notice, a hearing was held by telephone on March 28, 2011. The Claimant did not appear. [REDACTED] Authorized Hearing Representative, [REDACTED], appeared and testified for the 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 July 10, 2009, Claimant submitted an application to DHS for MA benefits and retroactive MA benefits.
2. DHS denied Claimant's application, but failed to issue a notice of denial of eligibility.
3. On February 1, 2011, [REDACTED] filed a Request for Hearing with DHS on behalf of Claimant.
4. At the hearing on March 28, 2011, DHS agreed to issue a notice of eligibility denial as of the date of the Administrative Hearing.

5. As a result of DHS' agreement to issue a denial notice, Claimant's Authorized Hearing Representative testified he 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.

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.

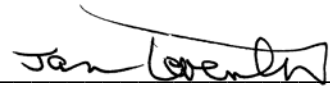
At the hearing, the parties agreed to resolve the situation with the remedy that DHS will issue a denial notice regarding Claimant's July 10, 2009, MA application. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, IT IS ORDERED that DHS shall issue a denial notice regarding Claimant's July 10, 2009, application for MA current and retroactive benefits, and DHS agrees that the notice shall be dated March 28, 2011, which is the date of the Administrative Hearing in this case. All steps shall be taken 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 issue a notice, dated March 28, 2011, denying Claimant's July 10, 2009, MA application for ongoing and retroactive MA benefits 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: April 6, 2011

Date Mailed: April 13, 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:

