

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED] 1

Reg
Issue
Case
Hearing

Oakland

No: 2011-24571

No: 2000

No: [REDACTED]

Date:

May 18, 2011

County DHS (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for hearing. After due notice, a hearing was conducted in Detroit, Michigan on May 18, 2011. The Claimant's Authorized representative, and Social Security representative payee, [REDACTED] and the Claimant appeared and testified. [REDACTED] Case Manager, and [REDACTED] Assistance Payments worker appeared and testified on behalf of the Department.

ISSUE

Whether there is an issue to resolve regarding the eligibility and activation of the Claimant's February 1, 2010 application for Medical Assistance spenddown.

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 filed an application for Medical Assistance on February 1, 2010. The application was denied by the Department.
2. The Claimant filed another application for Medical Assistance in June 2010, which also was denied by the Department.
3. After much effort by the Claimant, the Department agreed to reinstate the Claimant's February 1, 2010 Medical Assistance Application retroactive to March 1, 2010. The Department reinstated the application on May 6, 2011 and the Claimant has a spend down amount of \$654, effective March 1, 2010. Exhibit 1, Eligibility Summary.
4. The Claimant timely requested a hearing on March 9, 2010, seeking enforcement of an acknowledged mistake by the Department by letter to the Claimant in February 2011, wherein, it agreed to effectuate Medical Assistance coverage subject to a spend down as of May 2010.
5. The Department did effectuate Medical Assistance subject to a spend down based on the February 2010 application retroactive to March 1, 2010, and thus no issue remains regarding the Claimant's request for hearing regarding the Department's agreement to effectuate medical assistance.

CONCLUSIONS OF LAW

The Medical Assistance ("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 of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency,

administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Program Reference Manual (“PRM”).

Based upon the record presented, the Claimant appears to have finally been granted medical assistance that she originally requested by application filed February 1, 2010. Shortly before the hearing, the Department effectuated the Claimant’s eligibility on May 6, 2011, and granted the Claimant retroactive Medical Assistance subject to a spend down amount as of March 1, 2010. The Department corrected the mistake it made originally in February 2010, when it acknowledged that it improperly denied the Claimant’s application.

Based upon these facts and circumstances, the Claimant’s request for hearing dated March 9, 2011, must be dismissed as the Department finally was able to and did take the action it was required to take. Once the Department granted the Claimant medical assistance eligibility subject to a spend down, there remains nothing further for the Administrative Law Judge to determine as no action of the Department, with regard to the improper denial of the February 1, 2010 application and its agreement to effectuate retroactive coverage, remains to be resolved. BAM 600

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, has determined that the Department has processed and activated coverage for Medical Assistance subject to a spend down for the Claimant effective

March 1, 2010, and therefore, no further issue remains for this Administrative Law Judge to decide, and accordingly, the Claimant request for hearing is DISMISSED.

Administrative
for
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 05/24/11

Date Mailed: 05/26/11

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.

LMF/dj

cc:

