

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

IN THE MATTER OF: Reg.

[REDACTED]

No.: 2011-42000
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 31, 2011
DHS County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the claimant's request for a hearing. After due notice, a telephone hearing was held from Detroit, Michigan on August 31, 2011. The claimant was represented by his Authorized Representative [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's Medical Assistance (MA) and retroactive MA?

FINDINGS OF FACT

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

1. On November 21, 2008, the claimant applied for MA and retroactive MA.
2. On July 7, 2009, the claimant again applied for MA and retroactive MA.
3. On September 22, 2009, the Department denied the claimant's MA and retroactive MA applications for excess assets.
4. On December 17, 2009, the claimant's AR filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The

Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

At the hearing the Department was presented evidence that the claimant was in fact eligible.

Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. (BEM 400, p. 4).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to reregister the November 21, 2008 and July 7, 2009 applications and recalculate the claimant's qualification for MA and retroactive MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department and claimant have come to an agreement and ORDER S the Department to reregister the November 21, 2008 and July 7, 2009 applications and recalculate the claimant's qualification for MA and retroactive MA.

Michael

Department



J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
of Human Services

Date Signed: September 15, 2011

Date Mailed: September 15, 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 receipt 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.

2011-42000/MJB

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cc:

