

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.: 2011-4428
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 10, 2011
DHS County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant [REDACTED] request for a hearing via his Authorized Hearing Representative, [REDACTED]. After due notice, a telephone hearing was held on March 10, 2011. The Claimant did not appear, and in his stead [REDACTED] appeared and testified. [REDACTED] appeared and testified for 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 May 26, 2010, Claimant applied for MA benefits with retroactive coverage.
2. DHS is in possession of the documentation necessary to submit the application to the DHS Medical Review Team (MRT).
3. On October 8, 2010, Claimant filed a notice of hearing request with DHS.
4. At the hearing, the Department agreed to process Claimant's application and submit it to the MRT, designating the May 26, 2010, date as the official registration date.
5. As a result of this agreement, Claimant, through his Representative, indicated he no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

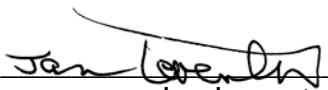
MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (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.

In the present case, DHS has agreed to process Claimant's May 26, 2010, MA application and to submit it to the MRT for an eligibility determination. As a result of this agreement, Claimant's Representative indicated she no longer wished to proceed with the Administrative Hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated settlement agreement of the parties, states IT IS ORDERED that DHS will process Claimant's May 26, 2010, MA application with retroactive coverage, and submit it to the MRT for an eligibility determination. All steps shall be taken in accordance with DHS policies and procedures.



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

Date Signed: March 16, 2011

32011-4428/JL

Date Mailed: March 17, 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:

