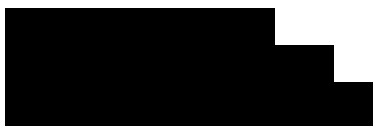


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201148069
Issue No: 2026
Case No: [REDACTED]
Hearing Date: January 31, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 31, 2012. The claimant appeared and provided testimony as did her husband.

ISSUES

Whether the department properly determined if the claimant's spend down was met and in turn provided the claimant with Medical Assistance (MA) benefits to which she may have been entitled?

FINDINGS OF FACT

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

1. The claimant has been a recipient of Medical Assistance (MA) benefits during all times relevant to this hearing.
2. The claimant submitted medical bills in January 2011 to the department.
3. The bills submitted by the claimant have not been paid.
4. The claimant filed a request for hearing on February 7, 2011 to protest the submitted medical bills not being covered.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

In the case at hand, the claimant's authorized representative testified that the department was willing to recalculate the claimant's MA spend down during the time period in question, allow the claimant to re-submit the bills incurred during that time period, and if applicable, issue benefits accordingly. The claimant testified that this would alleviate the need for a hearing.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department and the claimant have agreed to recalculate the claimant's MA spend down during the time period in question, allow the claimant to re-submit the bills incurred during that time period, and if applicable, issue benefits accordingly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine whether the claimant's spend down for the month of January, 2011 had been met and if benefits should have been issued for that time period.

Accordingly, the department's actions are **REVERSED**. It is HEREBY ORDERED that the department shall recalculate the claimant's MA spend down for the month of January, 2011, allow the claimant to re-submit the bills incurred during that time period, and if the claimant is otherwise eligible, issue any benefits that the claimant may otherwise be eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 6, 2012

Date Mailed: February 8, 2012

201148069/CSS

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 60 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.

CSS/cr

cc:

