

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2012-42886  
Issue No: 2010

[REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Janice G. Spodarek

**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 a hearing. After due notice, a telephone hearing was held on [REDACTED]. Representatives on behalf of Claimant included Claimant and [REDACTED] appeared on behalf of the department. No Attorney General appeared.

**ISSUE**

Did the department correctly determine a divestment period for long term care (LTC)?

**FINDINGS OF FACT**

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

1. On [REDACTED], claimant applied for LTC Medicaid. Claimant requested retro of one month.
2. A number of assets were taken into consideration regarding eligibility and divestment, including a trust, quick claim deeds of homestead back and forth and annuity.
3. The department made a determination of a divestment period from [REDACTED]
4. On [REDACTED] the department issued notice.
5. On [REDACTED] claimant filed a hearing request.
6. On [REDACTED] an administrative hearing was held. No attorney appeared on behalf of the department.

7. Counsel requested that the record be held open for the submission of additional documentation.
8. On [REDACTED] the undersigned ALJ received a communication from claimant's counsel indicating that the hearing request of the appeal denying claimant's eligibility was being withdrawn.

### **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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

As noted in the findings of facts, prior to a disposition in this case by the undersigned ALJ, claimant's attorney withdrew the hearing request. As such, this ALJ is not making a review of the issues and the department's denial stands.

### **DECISION AND ORDER**

The Administrative Law Judge, having held an administrative hearing on June 19, 2012 and before a disposition or decision and order was issued received a withdrawal of claimant's hearing request on this matter by her attorney – Charles Bappert. Thus, the department's denial stands and there is no substantive review or disposition on claimant's March 29, 2012 hearing request.

/s/ \_\_\_\_\_  
Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

**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.

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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.

JGS/jk

cc:



MAHS