

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201261959
Issue No: 2019
Case No: [REDACTED]
Hearing Date: September 6, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on September 6, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's level of Medical Assistance (MA) coverage?

FINDINGS OF FACT

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

1. On June 1, 2011, Claimant submitted an application for Medical Assistance (MA). Claimant was approved for benefits and the amount of her veteran's benefits used in the financial eligibility budget was based on a March 15, 2011 letter from Department of Veteran's Affairs.
2. On October 12, 2011, Claimant was sent a notice from Department of Veteran's Affairs stating her benefits would be decreased because she was in a nursing facility.
3. On May 14, 2011, Claimant's Medical Assistance (MA) eligibility was re-determined. The Department used the March 15, 2011 letter already in her file to determine her veteran's benefits. Claimant was sent a Notice of Case Action (DHS-1605) stating her re-determined eligibility.
4. On May 23, 2012, Claimant's daughter submitted a request for 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 (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).

At this hearing Claimant's daughter testified that she turned in the October 12, 2011 letter and asserts that Claimant's coverage amount should be changed back to October 2011. The Department case worker testified that there was not a copy of the October 12, 2011 letter in Claimant's case file until it was submitted along with the May 23, 2012 request for hearing. When Claimant's daughter was asked about the specifics of turning in the letter she testified that she did not remember the exact date but that she left a copy with the staff at the nursing home her mother was in from September to mid December 2011.

In accordance with Department policy there is only a requirement to re-determine a client's eligibility at the end of a certification period or when a change is reported to the Department. There is nothing in the record which casts any doubt on the testimony that the October 12, 2011 letter was turned in to the staff of the nursing home. However, the nursing home is not the Department of Human Services. There is no specific evidence in the record on the question of whether the nursing home turned the letter in to the Department. There is nothing in the record which casts any doubt on the Department case worker's testimony that there was not a copy of the October 12, 2011 letter in Claimant's case file until it was submitted along with the May 23, 2012 request for hearing. The record does not show that the Department was provided a copy showing the change in Claimant's veteran's benefits until May 23, 2012. In accordance with Department policy there is no responsibility to apply the reduction of income to Claimant's eligibility prior to May 23, 2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined Claimant's level of Medical Assistance (MA) coverage.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 2, 2012

Date Mailed: October 3, 2012

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.

GFH/tb

cc:

