

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201268074
Issue No: 2000
Case No: [REDACTED]
Hearing Date: September 26, 2012
Genesee County DHS #2

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 September 26, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly determined if the claimant's group composition for Medical Assistance (MA) benefits?

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 applied for Medical Assistance (MA) benefits for himself and his daughter.
2. The claimant's daughter is currently listed on her mother's MA case.
3. The claimant contends his daughter should be listed on his case.
4. The claimant filed a request for hearing on July 24, 2012 to protest his daughter not being listed on his case.

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 department representative testified that the claimant is in fact the caretaker of his daughter (a minor child) and that she should be listed on his case. BEM 211 does require that a primary caretaker be determined in order to assess group composition for the MA program. The department representative further testified that the child's mother does not contest that the claimant is the primary caretaker of the child and that the claimant has provided evidence to support the contention that he is the primary caretaker. The department representative testified that the claimant's daughter should be added to his MA case. The claimant agreed that his daughter should be added to his MA case.

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 that the claimant's daughter should be added to his MA case. Accordingly, this matter may be disposed of by stipulation as the parties agree as to the action that should be taken.

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 the claimant's group composition for MA benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall take all necessary steps in accordance with policy to add the claimant's daughter to his MA case.

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

Date Signed: September 27, 2012

Date Mailed: September 27, 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 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

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