

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: 2013-38189

Issue No: 2021

[REDACTED] [REDACTED]
Hearing Date: May 2, 2013
Benzie County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 May 2, 2013. Claimant is in Long Term Care. Claimant was represented at the hearing by her Authorized Hearings Representative, [REDACTED] [REDACTED] and her Guardian [REDACTED] [REDACTED]. The department was represented by Eligibility Specialist [REDACTED] [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application based upon the fact that they determined that claimant had excess assets for purposes of receipt of Medical Assistance Benefits?

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 or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. 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 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the department caseworker and claimant's representative entered into a settlement agreement that the claimant's November 8, 2010 application for Medical Assistance and Retroactive Medical Assistance would be reinstated and the reprocessed for eligibility determination.

DECISION AND ORDER

The Administrative Law Judge decides that the settlement agreement has been entered into by the department representative and the claimant's Authorized Hearing's Representative to reprocess the application for Medical Assistance and Retroactive Medical Assistance eligibility.

Accordingly, the department's decision is **REVERSED**. The department is ORDERED to reinstate claimant's November 8, 2010 Medical Assistance application and recalculate claimant's assets for purposes of Medical Assistance and Retroactive Medical Assistance Eligibility for the months of October, September and August 2010. The department shall notify claimant's Authorized Hearings Representative of eligibility or lack thereof in writing.

/s/

Landis

Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 8, 2013

Date Mailed: May 8, 2013

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LYL/las

cc:

