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

IN THE MATTER OF:

Reg. No: 2013-8653

Issue No: 2021

Case No:

Hearing Date: February 28, 2013

Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on February 28, 2013. Claimant is in long term care. Claimant was represented at the hearing by her Power of Attorney and by

<u>ISSUE</u>

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA) Long Term Care?

FINDINGS OF FACT

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

- 1. Claimant was approved for medical assistance based on a June 18, 2012 application.
- 2. The claimant then became a nursi ng home patient on July 24, 2012 and filed a #4574 nursing home Medicaid application (ex 1) by way of her power of attorney on August 6, 2012.
- Based on the filed a pplication and supporting documents, the worker performed a case update.
- 4. The hearing was held on Febr uary 28, 2013. At the hearing, the Department of Human Services and claimant agreed that the department's decision would be reversed and th e department would re-assess claimant's eligibility for Medical Assistance and re-assess its determination

of divestment based upon additiona I information received from the claimant's representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact determines that the Department of Human Services and the claimant's representative have agreed to a settlement in this case.

Accordingly, the department's decision is **REVERSED**. The department is ORDERED to reinstate claimant's medical assistance application of A ugust 6, 2012. The department shall re-determine claimant's eligibility for medical assistance and re-determine whether or not claimant has divestment and what the divestment period may be in this case.

Landis

Y. Lain

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

Date Signed: March 7, 2013

Date Mailed: March 7, 2013

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely 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 erro r, 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.

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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

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cc: