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

IN THE MATTER OF:

Case No.:

Reg. No.: 201344769

Issue No.: 2000

Hearing Date: County:

July 11, 2013 Delta-00

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 11, 2013, from Lansing, Michigan. Participant on behalf of Claimant included, her attorney, \_\_\_\_\_\_. Participants on behalf of the Department of Human Services (Department) included, Nicholas Kasbohm, Assistant Attorney General, Geraldine Brown, also appeared for the Department.

# ISSUE

Did the Department properly determine Claimant's MA benefits?

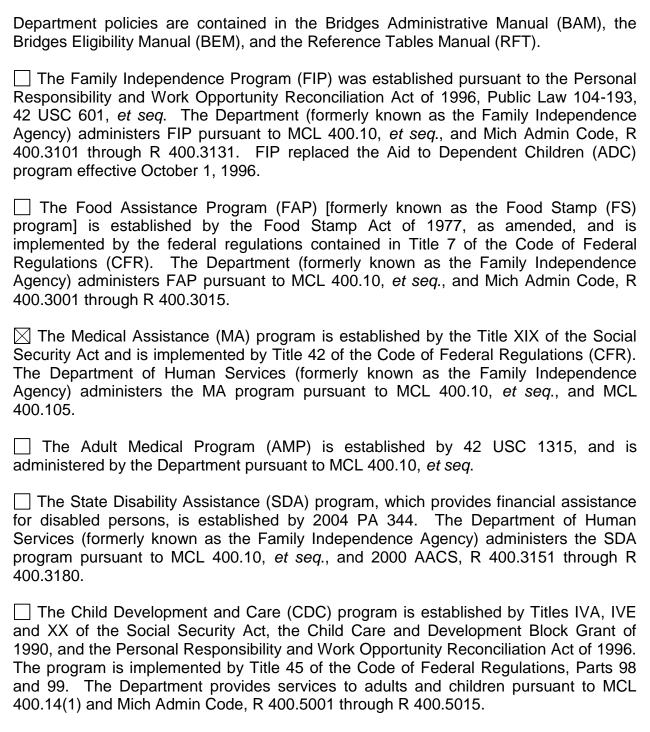
#### **FINDINGS OF FACT**

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

- 1. On April 15, 2013, notice of case action was sent with an incorrect patient pay amount.
- 2. The divestment penalty period from March 1, 2013, through May 15, 2013, was correct.
- 3. Claimant requested hearing on May 2, 2012, contesting the determination of MA benefits.
- 4. At hearing the Department presented a BRIDGES-Level of Care Summary that contained the correct divestment penalty period, patient pay amounts, and dates for the Claimant.

5. The parties agreed that the BRIDGES-Level of Care Summary should be reflected in a notice of case action issued by the Department.

# **CONCLUSIONS OF LAW**



Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision

is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to issue a notice of case action that reflects the BRIDGES Level of Care Summary presented at hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

### **DECISION AND ORDER**

of Law, and for the reasons stated on the record, finds	3
. $igtigtigtigtigtigtigtigtigtigt$	MA benefits.
Accordingly, the Department's ☐ AMP ☐ FIP ☐ FAP is ☐ AFFIRMED ☒ <b>REVERSED</b> for the reasons set fo	
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FO THE DATE OF MAILING OF THIS DECISION AND OR	
<ol> <li>Issue a Notice of Case Action that reflects the B presented at hearing.</li> </ol>	RIDGES-Level of Care Summary
	Aaron McClintic Administrative Law Judge for Maura Corrigan, Director Department of Human Services
Date Signed:	Department of Fluman dervices
Date Mailed:	

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

#### 201344769/AM

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.

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

- A rehearing <u>MAY</u> 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 affect the substantial rights of the claimant,
  - 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

# AM/pw

