

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201328923
Issue No: 2000
Case No: [REDACTED]
Hearing Date: August 15, 2013
Isabella County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

SETTLEMENT ORDER

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 received by the Department of Human Services (department) on February 6, 2013. After due notice, a telephone hearing was held on August 15, 2013. Claimant appeared and provided testimony. Claimant's authorized representative, [REDACTED] [REDACTED] with Health Claims Advocates, LLC, appeared via three-way conference call and provided testimony on Claimant's behalf. The department was represented by Lisa Fruehaus, an eligibility specialist, and [REDACTED] [REDACTED] an assistance payments supervisor, both with the department's Isabella County office.

ISSUE

Whether the department properly determined Claimant's Medical Assistance (MA) eligibility?

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 August 14, 2011, Claimant's authorized representative, Health Claims Advocates, LLC, submitted an application for Medicaid and Retroactive Medicaid (DHS 3243) on Claimant's behalf, seeking medical assistance and retroactive medical assistance coverage for Claimant for June and July 2011. (Department Exhibit 2)
2. On September 25, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that his application for Medicaid and Retroactive Medicaid had been denied because his

countable assets exceeded the limit for the MA program. (Department Exhibits 1, 3-6)

3. On February 15, 2012, Claimant's representative submitted a hearing request protesting the department's denial of Claimant's application for Medicaid and Retroactive Medicaid. (Request for a Hearing)

CONCLUSIONS OF LAW

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. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

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 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).

The regulations regarding 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 -.951. Any hearing request which protests a denial, reduction or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904. The law, MCL 24.278(2), provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement.

During the August 15, 2013 hearing, the department's representative acknowledged that, when the department processed Claimant's August 14, 2012 application for MA and retroactive MA benefits on September 25, 2013, the department improperly failed to consider Claimant's eligibility for MA benefits for the months of August and September 2013. The department's representative therefore agreed to reinstate and reprocess Claimant's August 14, 2012 application to determine Claimant's eligibility for MA benefits for the months of August and September 2013. Claimant and Claimant's authorized representative both indicated that they understood and agreed with the department's proposed settlement. As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. The department shall immediately reinstate and reprocess Claimant's August 14, 2012 application to determine Claimant's eligibility for MA benefits for the months of August and September 2013 and issue Claimant any supplemental MA benefits to which she may otherwise be entitled.

/s/

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

Date Signed: August 16, 2013

Date Mailed: August 16, 2013

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)

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.

SDS/hj

cc:

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