

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-23036
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 30, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, April 30, 2009. The claimant personally appeared and testified with her daughters, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medicaid (MA) benefits because the claimant failed to return the required verification?

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 March 27, 2008, the department received an application for MA and SDA on behalf of the claimant.

(2) On April 10, 2008, the SDA caseworker determined that the claimant had excess income for SDA and the application for SDA was denied.

(3) On April 28, 2008, the department caseworker mailed the claimant a Verification Checklist, DHS-3503, for the claimant to complete by May 8, 2008. (Department Exhibit 1)

(4) On May 9, 2008, the claimant called the department caseworker and left a message asking if she was eligible. The department caseworker subsequently attempted to return the telephone call, but did not receive an answer.

(5) On May 15, 2008, the department caseworker denied the claimant's MA for failure to return the required verification and sent the claimant a denial notice. (Department Exhibit B)

(6) On June 9, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(7) During the hearing, the claimant testified that she did not receive the Verification Checklist.

(8) During the hearing, the claimant's daughters contested whether or not the worker called the correct number to return the call because they have an answering service on their number to leave a message.

(9) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's March 27, 2008 application with retroactive

benefits to February 2008 if the claimant provides the asset and income information from February 2008 forward and a copy of her birth certificate. The department caseworker agreed to give the claimant a copy of the Verification Checklist at today's hearing.

CONCLUSIONS OF LAW

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 present case, the parties have reached an agreed settlement to resolve the dispute. The department agrees to reprocess the claimant's March 27, 2008 application with retroactive benefits to February 2008 if the claimant provides the asset and income information from February 2008 forward and a copy of her birth certificate. The department caseworker agreed to give the claimant a copy of the Verification Checklist at today's hearing. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ordered to reprocess the claimant's March 27, 2008 application with retroactive benefits to February 2008 if the claimant submits the required verifications needed to determine eligibility, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 2, 2009

Date Mailed: June 3, 2009

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.

CGF/vmc

cc:

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