

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: 2008-25739
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on May 4, 2009. Claimant appeared for the hearing.

ISSUE

Did the claimant fail to provide the Department of Human Services (DHS or department) with verification of eligibility for the Healthy Kids Program?

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's children have been ongoing recipients of the Healthy Kids Program.
- (2) On December 17, 2007, the department notified claimant that it intended to terminate claimant's Healthy Kids case based upon claimant's failure to provide verification of eligibility (income verification). The notice indicated that claimant's case was scheduled to terminate on December 28, 2007.

(3) On December 26, 2007, claimant filed a timely hearing request to protest the department's determination.

(4) Thereafter, the department deleted its proposed negative action pending the outcome of the instant hearing.

(5) More recently, the department has determined that claimant's family is currently eligible for the Healthy Kids Program. Because of lack of income verification, the department has been unable to determine claimant's eligibility for previous program benefits.

(6) At the hearing, the parties reached an accord. The department agreed that, if by May 15, 2009, claimant provided the department with a copy of the family's 2007 income tax return, the department would initiate consideration of claimant's past eligibility for the Healthy Kids Program. The department cautioned that if claimant failed to provide the 2007 income tax return, the department may institute recoupment proceedings.

(7) Claimant indicated satisfaction with the department's settlement offer.

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).

The law provides that disposition may be made of a contestant case by stipulation or agreed settlement. MCL 24.278 (2). In this case, the parties reached an accord. The department agreed that, if by May 15, 2009, claimant provided the department with a copy of the family's

2007 income tax return, the department will consider claimant's past eligibility for the Healthy Kids Program. If claimant fails to provide same, the department may institute recoupment proceedings. Claimant indicated satisfaction with the department's settlement offer. Claimant indicated that she understood the consequences of her failure to provide the department with a copy of the family's 2007 income tax return.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that, if claimant provides the department with a copy of the family's 2007 income tax return by May 15, 2009, the department shall consider claimant's past eligibility for the Healthy Kids Program. If claimant fails to provide the department with the requested verification by May 15, 2009, the department may institute recoupment proceedings.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/20/09

Date Mailed: 07/23/09

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.

LSS/dj

2008-25739/lss

cc:

