

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.: 2008-27790
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 16, 2009
Wayne County DHS (57)

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 September 16, 2009. The claimant appeared for the hearing. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly process claimant's application for Medical Assistance (MA)?

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 February 25, 2008, an application for MA was filed on claimant's behalf by her authorized representative. The application requested MA retroactive to November of 2007.

- 2) Thereafter, the department did not process claimant's application.
- 3) On June 18, 2008, a hearing request was filed on claimant's behalf to protest the department's failure to provide requested benefits.
- 4) At the hearing, the parties reached an accord. The department agreed to open MA for claimant effective November of 2007 and provide an approved MSA 1038, Billing Exception, form. The department further agreed to notify claimant and her authorized representative in writing when the action was completed.
- 5) Claimant and her authorized representative indicate satisfaction with the department's plan of action.

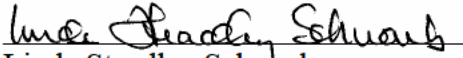
CONCLUSIONS OF LAW

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 contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to open MA for claimant effective November of 2007 and provide an approved MSA 1038, Billing Exception, form. Claimant and her authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall open Medical Assistance for claimant effective November of 2007 and shall provide claimant's authorized representative with an approved MSA 1038, Billing Exception, form. The department shall notify claimant and her authorized representative in writing when the action has been completed.


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

Date Signed: January 22, 2010

Date Mailed: January 25, 2010

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/pf

cc:

