

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.: 2008-16523
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 30, 2009
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on March 30, 2009. The Claimant was represented by her Authorized Representative (AR), [REDACTED].

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA), and retroactive MA?

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 October 30, 2007, the Claimant through [REDACTED] filed an application for MA and retro MA.
2. On October 31, 2007, the Claimant died.
3. On December 12, 2007, the department denied the applications.

5. On March 10, 2008, the Claimant, through his AR, requested a 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 (formerly known as the Family Independence Agency) 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).

Here, the Department requested information concerning the Claimant's citizenship, and [REDACTED] right to represent the deceased.

On December 11, 2008, the AR faxed to the department a request for an extension and request for assistance in obtaining the requested information. (Claimant's exhibit 1).

The department closed the case in question the next day but the fast information clearly shows that the request was faxed on December 11, 2008, even though it wasn't time stamped until the next day. The client must obtain required verification, but you must assist if they need and request help. (PAM 130, p. 2)

In the instant case the AR requested the assistance of the Department when it was clear that the claimant had died before various functions could be completed. A representative of the AR eventually had to be named by the probate court as the personal representative. The Department was unable to show that it had provided such assistance.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to re-register the application as of the original application date.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/22/09

Date Mailed: 04/23/09

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 60 days of the filing of the original request.

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.

MJB/jlg

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