

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: 2008-17071
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 17, 2010
Shiawassee 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 three-way telephone hearing was held on Wednesday, March 17, 2010. The claimant for this case is [REDACTED] but the notice was sent to his wife [REDACTED] who was also present with their authorized representative, [REDACTED]

ISSUE

Did the department properly close the claimant's Medical Assistance (MA) application based on the claimant's wife's withdrawal?

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 November 5, 2007, the claimant applied for cash, medical, and food assistance with retro to October 2007. (Department Exhibit A)

(2) On November 13, 2007, the claimant's wife withdrew the application at an interview. (Department Exhibit B)

(3) On March 25, 2008, the claimant's wife submitted a hearing request at the advice of the hospital.

(4) On May 2, 2008, an Order of Dismissal was issued due to the request being received more than 90 days from the date that the action was taken.

(5) On November 3, 2008, [REDACTED]. filed a second hearing request. (Department Exhibit C)

(6) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the November 5, 2007 application with retroactive MA to October 2007. A Verification Checklist will be sent to [REDACTED]. and the claimant.

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 upon settlement to resolve the dispute. The department agrees to reprocess the November 5, 2007 application with retroactive MA to October 2007. A Verification Checklist will be sent to [REDACTED] and the claimant. If the claimant does not agree with the determination, they 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 settlement.

The department is **ORDERED** to reprocess the claimant's November 5, 2007 application with retroactive MA to October 2007, if it has not already done so.

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

Date Signed: April 22, 2010

Date Mailed: April 22, 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.

CGF/vmc

cc:

