

[REDACTED]

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.: 2008-17464

Issue No.: 2011

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 4, 2009

Macomb County DHS [REDACTED]

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 February 4, 2009. The Claimant, now deceased, was represented by [REDACTED] the Claimant's daughter and authorized representative (AR) and [REDACTED] the Claimant's spouse.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (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 July 11, 2007, the Claimant applied for MA.
2. On November 21, 2007, the Department denied the Claimant's MA. (Application eligibility notice).
3. On February 2, 2008, the Claimant's 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).

In the instant case, the Department was unable to testify as to the Date of application. The application eligibility notice lists July 11, 2007 as the date of application.

The Department's hearing summary states that this is an untimely hearing request. I find that the hearing request was timely. The denial is dated November 21, 2007, and the request is dated February 2, 2008. This is well within the 90 days allotted.

During the hearing, the undersigned noticed both parties that he was 'going off the record' while the Department sent documents by facsimile. The Department then hung up. The undersigned attempted to reconnect with the Department to no avail.

The Department has not met the burden of showing that it correctly denied the Claimant's MA.

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 Claimant's MA application retroactive to July 11, 2007, and assist the Claimant in garnering whatever documentation is necessary to re-submit the application to MRT.

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

Date Signed: 03/17/09

Date Mailed: 03/18/09

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

cc:

