

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: 2008-21057

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 20, 2009

St. Clair 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, an in-person hearing was held on Tuesday, October 20, 2009. The claimant was not present, but was represented by his authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) based upon the fact that the claimant or his authorized representative did not provide the required verifications?

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 October 29, 2007, [REDACTED] filed an application for the claimant for MA.
- (2) On November 16, 2007, the department caseworker faxed a Verification Checklist, DHS-3503, to the claimant and his authorized representative that was due December 26, 2007.
- (3) On December 21, 2007, the medical packet was sent to the Medical Review Team (MRT) where the MRT deferred the decision requesting additional medical information from [REDACTED] and a [REDACTED] record.
- (4) On December 28, 2007, the department caseworker sent the claimant and his authorized representative another DHS-3503 requesting the information required by the MRT that was due back January 7, 2008. (Department Exhibit 1-7)
- (5) On January 7, 2008 and January 17, 2008 the department caseworker received an extension request from [REDACTED].
- (6) On February 13, 2008, the department caseworker denied the application because additional medical was not received.
- (7) On May 2, 2008, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.
- (8) During the hearing, the authorized representative from [REDACTED] stated that they received the records on January 13, 2009.
- (9) The parties have reached an agreed settlement to resolve the dispute. The department agrees to reprocess the claimant's October 29, 2007 application by resubmitting the required medical records received by [REDACTED] on January 13, 2009 to the MRT for a decision.

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 settlement to resolve the dispute. The department agrees to reprocess the claimant's October 29, 2007 application by resubmitting the required medical records received by [REDACTED] on January 13, 2009 to the MRT for a decision. If the claimant does not agree with the determination, he 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 upon settlement.

The department is **ORDERED** to reinstate the claimant's October 29, 2007 application and submit the medical records received by [REDACTED] on January 13, 2009 to the MRT for a disability determination, if it has not already done so.

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

Date Signed: November 17, 2009

Date Mailed: November 17, 2009

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:

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