

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: 2008-24531
Issue No: 2006; 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 telephone hearing was held on May 13, 2009.

ISSUE

Did the Department of Human Services (DHS) present evidence to support the proposed 6/6/2008 negative action to close claimant's MA and SDA on the grounds that claimant did not cooperate with the department's verification request?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) At all relevant times prior to the proposed negative action herein, claimant was a beneficiary of the MA and SDA programs with the Michigan DHS.
- (2) Claimant's cases were scheduled for review in June, 2008.

(3) On 6/6/2008, the DHS issued a notice of case action to close claimant's MA and SDA, effective 6/18/08, on the grounds that claimant failed to cooperate with the department's verification request.

(4) On 6/16/08, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

(5) Claimant filed a subsequent hearing request on a separate action not at issue herein. SOAHR issued a notice of hearing for 6/2/09, unrelated to the action herein.

(6) The department appeared for the 5/13/09 administrative hearing unprepared to go forward with the hearing. The department had no knowledge or information of the action(s) and stipulated there was no substantive issue to review.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case, the department failed to sustain its burden of proof. The department had no evidence or information to support the proposed negative action. Thus, the department's proposed action is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed closure of claimant's MA and SDA effective 6/18/2008 was incorrect.

Accordingly, the proposed closure is hereby REVERSED.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 17, 2009

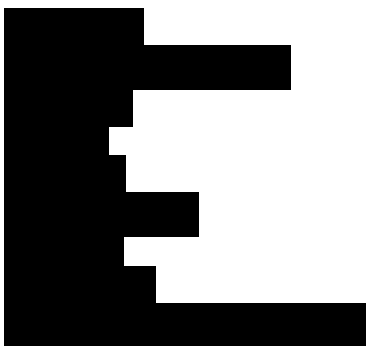
Date Mailed: June 18, 2009

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 mailing date of the rehearing decision.

JS/cv

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