

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: 2008-24867
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 11, 2009
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 June 11, 2009.

ISSUE

Was timely hearing request established (not more than 90 days)?

FINDINGS OF FACT

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

(1) Negative action: Denial on March 4, 2008 of Medicaid application on February 29, 2008 filed by the claimant's daughter and denied per PAM 110.

(2) On March 4, 2008, negative action notice was mailed and received by [REDACTED]; and negative action notice was mailed to the daughter at her address given on the application which

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was not returned to the DHS as undeliverable by the U.S. Postal Authority. This address was also the decedent's (claimant's) address.

(3) The application provided in Box #5 that if the daughter's address was different from the address provided in Box #4 to provide it, if different; no different mailing address was provided by the daughter.

(4) [REDACTED] claims that the DHS was put on notice of the claimant's death and had a responsibility to phone the daughter, [REDACTED] for the daughter's correct address for mailing purposes.

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).

Facts above are undisputed.

The department must allow the applicant or recipient a reasonable time, not to exceed 90 days from the date that notice of action is mailed, to request a hearing. 42 CFR 431.221.

PAM 600 provides that notice of negative action shall be mailed to the applicant.

Negative action notices were mailed to both the claimant's daughter and her representative [REDACTED].

[REDACTED] received its notice and the daughter's notice was never returned as undeliverable by the U.S. Postal Authority.

The DHS representative testified to the step-by-step process for mailing the notice to the daughter: The daughter's name and her address given on the application were put on the notice and placed in a window envelope, the envelope was picked up and transferred to the U.S. Postal Stamping Unit in the DHS, and then delivered to the U.S. Postal Authority for delivery to the claimant's daughter.

█ claims that the DHS had the responsibility to phone █ and the daughter for her address. There is nothing in PAM 600 to support this claim.

█ was the representative for the daughter and had the responsibility to file a timely hearing request and/or follow up with the daughter regarding the matter.

Therefore, this ALJ is not persuaded that a timely hearing request was made in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that timely hearing request was not established.

Accordingly, Medicaid denial UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 9, 2009

Date Mailed: July 9, 2009

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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 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.

WAS/tg

cc:

