

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: 2008-25132  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 28, 2008  
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 October 28, 2008.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) April 30, 2008, claimant applied for MA which was assigned to a particular worker. On May 1, 2008, apparently claimant again applied for MA which was assigned to a second worker. Department A, [REDACTED].

(2) On [REDACTED], claimant was opened an “L” Medical Assistance case. The record does not indicate who is active on this case. Department A, [REDACTED]

(3) [REDACTED], the department entered disposition code “withdrawn” on its computer system for the [REDACTED] application. Department A, [REDACTED];

[REDACTED]

(4) [REDACTED], claimant filed a hearing request on the disposition. Claimant hearing request, [REDACTED].

### 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).

Department manuals provide the following policy statements and instructions for caseworkers:

You must process the following case actions:

- Initial applications and reapplications.
- Redeterminations.
- Reinstatements.

You must evaluate each change reported to determine if it affects eligibility.

Program Administrative Manual (PAM) 220

- 42 CFR 431.200-.250
- 42 CFR 435.912-.913, .919

In this case, the department and the claimant are in dispute as to whether claimant withdrew her [REDACTED] application for MA on [REDACTED]. The department presented application notes stating that claimant wished to withdraw from an MA deductible. Finding of Fact 1-3. Claimant credibly testified that she did not mean to withdraw her application. As such, it appears that a misunderstanding occurred between claimant and the department regarding her wishes for her MA application. In the absence of a preponderance of evidence that claimant withdrew her application, the department's action can not be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant did not withdraw her [REDACTED] Medicaid application.

Accordingly, the department's action is HEREBY REVERSED. The department is to process claimant's [REDACTED] MA application in compliance with department policy and this decision and order.

/s/ \_\_\_\_\_  
Jana A. Bachman  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: [REDACTED] 009 \_\_\_\_\_

Date Mailed: [REDACTED] \_\_\_\_\_

**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.

2008-25132/jab

JAB/db

cc:

