

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.: 2008-26838
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 1, 2009
Wayne County DHS (82)

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 March 30, 2009. The Claimant was represented by his attorney [REDACTED].

ISSUE

Did the Department properly close 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. The claimant was an ongoing MA recipient.
2. On either June 23, 2007, or June 30, 2007, the department closed the claimant's MA.
3. On December 14, 2007, the claimant filed a new application for MA.
4. On December 14, 2007, the claimant gave the department a bill for medical services rendered on July 18, 2007.

5. The department saying that July 18, 2007, was beyond the retroactive period refused to pay the bill.
6. On March 15, 2008, the claimant filed a request for 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).

Here, the department refused to pay the claimant's medical bill at [REDACTED] because the retroactive period did not stretch from the December 14, 2007, application date back to the July 18, 2007 date that the medical bills had been incurred.

During the hearing the department was unable to state why the claimant's medical coverage ended on June 30, 2007. There is no evidence of the department having notified the claimant that his MA had been cancelled. There was no reason offered by the department as to the reason for the claimant's medical coverage ending on or about June 30, 2007.

NOTICE OF CASE ACTIONS

All Programs

Notify client in writing of positive and negative actions. (PAM 220, p.1)

In the instant, case the department failed to notify the claimant that his MA had been cancelled and offered no explanation for its having been closed.

