

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED] Decedent
by [REDACTED] Personal
Representative of the Estate

Reg. No: 2009-1359
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 18, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on May 18, 2009. The estate was represented by [REDACTED], personal representative of the [REDACTED]

ISSUE

Did the Department of Human Services (DHS or department) properly deny an application for Medical Assistance (MA)?

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 August 8, 2008 the personal representative of decedent's estate filed an application for MA seeing retroactive coverage to May of 2008.

(2) On August 26, 2008, the department denied the application based upon failure to supply requested items of verification.

(3) On October 1, 2008, the decedent's personal representative filed a request for hearing to protest the department's determination.

(4) At the hearing, the parties reached an accord. The department indicated that if it received a copy of decedent's birth certificate by May 28, 2009, the department would initiate reconsideration of the August 8, 2008 application for MA.

(5) The personal representative of decedent's estate indicated satisfaction with the department's plan of action.

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 law provides that disposition may be made of a contested case by stipulation or agree settlement. MCL 24.278 (2). In this case, the parties reached an accord. The parties agreed that if the department receives a copy of decedent's birth certificate by May 28, 2009, the department will initiate reconsideration of the August 8, 2008 application for MA. The personal representative of decedent's estate indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that if the Department of Human Services receives a copy of decedent's birth certificate by May 28, 2009, the department shall initiate reconsideration of the August 8, 2008 application for Medical Assistance.

/s _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/29/09

Date Mailed: 10/1/09

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.

LSS/at

cc:

