

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: 2009-14732

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 29, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, October 29, 2009. The claimant was not present, but was represented by her authorized representative [REDACTED]

ISSUE

Did the department properly deny the claimant's Medicaid (MA) application based upon the fact that the claimant did not provide the required verification?

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 November 25, 2008, the department received an application for MA with retroactive MA benefits requested to August 2008.

(2) Subsequently, the department caseworker mailed out paperwork to the claimant and the paperwork was returned as unable to deliver. (Department Exhibit A)

(3) On December 12, 2008, the department caseworker sent the claimant a denial notice for MA stating that mail came back so the worker never received paperwork required per policy. (Department Exhibit B)

(4) On January 26, 2009, the department received a hearing request from the claimant's authorized representative stating that they did not receive a copy of the DHS-3503, Verification Checklist, and was therefore unable to assist the claimant in submitting the requested documents. A DHS-3503 dated December 1, 2008 and due December 11, 2008 was mailed from the local office on December 2, 2008 and received December 16, 2008 by the authorized representative, but the case was denied on December 12, 2008 based upon return mail and the worker not receiving paperwork required by policy. The authorized representative requested a reinstatement of the claimant's application to allow the authorized representative an opportunity to provide the requested verification within the time limits set by policy.

(5) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's November 25, 2008 MA application with retroactive MA to August 2008 and resend the Verification Checklist by fax to give [REDACTED] [REDACTED] ten (10) days to provide the required verification to determine MA eligibility.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's November 25, 2008 MA application with retroactive MA to August 2008 and resend the Verification Checklist by fax to give [REDACTED] ten (10) days to provide the required verification to determine MA eligibility. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to reinstate the claimant's November 25, 2008 application with retroactive benefits to August 2008 and to resend the Verification Checklist to give the claimant and her authorized representative ten (10) days to provide the required verification to determine MA eligibility, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2009

Date Mailed: November 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.

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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 receipt date of the rehearing decision.

CGF/vmc

cc:

