

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: 2009-16345
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Kenneth Poirier

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 August 19, 2009. The claimant appeared on his own behalf, and the department was represented by [REDACTED], a Family Independence Manager.

ISSUE

Did the department properly cancel the claimant's Medical Assistance coverage for failure to cooperate?

FINDINGS OF FACT

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

- 1) The Department sent a review packet to the claimant on January 21, 2009, requesting information from the claimant to assist in processing the claimant's Medical Assistance case.

- 2) The Department did not receive the requested information from the claimant in a timely fashion, so it issued a Notice of Case Action advising that the claimant's Medicaid coverage would be canceled with an effective date of February 21, 2009.
- 3) Although on February 13, 2009, the claimant submitted a request for a hearing, Department records showed, as of August 19, 2009, that the claimant's case was closed with an effective date of February 28, 2009.
- 4) At the hearing, the Department agreed to reinstate and reprocess the claimant's application, with an effective date of March 1, 2009.
- 5) Additionally, at the hearing, the claimant agreed to submit an application for Medicaid to give the Department the opportunity to review his supporting materials to ascertain the extent of his eligibility for Medicaid.

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).

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency received a hearing request and continues through the day of the hearing.

In the present case claimant is contesting the cancellation of his Medicaid coverage. At the hearing, the department agreed to reactivate the claimant's case, effective March 1, 2009, the day after the effective date of the cancellation of the claimant's Medicaid coverage. The claimant agreed with the department's proposed course of action, and in turn agreed to complete a Medicaid application to give the Department the opportunity to review the claimant's supporting materials, to ascertain the extent of the claimant's Medicaid eligibility. Since the claimant and the department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reactivate the claimant's Medicaid case an effective March 1, 2009, in accordance with the settlement agreement.

/s/ _____
Kenneth P. Poirier
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

2009-16345/KP

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.

KP/jlg

cc:

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