

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: 2009-16439
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 20, 2009
Wayne County DHS (41)

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 the claimant's request for a hearing. After due notice, a hearing was held on August 20, 2009. The claimant was represented by [REDACTED], and the Department was represented by [REDACTED], a medical contact worker.

ISSUE

Did the department properly deny the claimant's Medical Assistance application 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 claimant submitted an application for Medicaid on July 9, 2008.

- 2) On October 1, 2008 the Department sent to the claimant a request for information pertinent to the claimant's request for Medicaid, including a discharge summary and an echocardiogram report from the claimant's hospitalization during the summer of 2008.
- 3) On December 6, 2008, the Department denied the claimant's request for Medicaid for failure to provide the information requested on October 1, 2008.
- 4) At the hearing held in this matter on August 20, 2009, the claimant's representative supplied the department with copies of the requested an echocardiography report, as well as the claimant's hospital discharge records.
- 4) Because of this, the Department agreed at the hearing to reinstate and reprocess the claimant's application.

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 the claimant is contesting the denial of her Medicaid application. At the hearing, the department agreed to reactivate and process the claimant's case, based on the claimant's submission of the material that the Department had requested on October 1, 2008. 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 the claimant's request for a hearing. Therefore it is ORDERED that the Department reactivate and process the claimant's Medicaid case in accordance with the settlement agreement.

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

Date Signed: 09/01/09

Date Mailed: 09/01/09

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.

KPP/jlg

2009-20099/KPP

cc:

