

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: 2009-18386  
Issue No: 2018  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
November 17, 2009  
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 November 17, 2009. Claimant was represented at the administrative hearing by [REDACTED], who appeared by conference telephone from his office.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) application of 11/5/2008?

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 11/5/08, claimant's representative filed an application on behalf of claimant.
- (2) On page 7 of the DHS-1171, claimant indicated that there was no one in the household who was blind or has a disability. Exhibit 2.

(3) On 1/14/09, the DHS issued a denial notice pursuant to claimant's 11-5-2008 application for the following reason: "Does not meet non-financial eligibility for program."

Exhibit 1.

(4) The department had no evidence of having notified [REDACTED]

(5) Within the 90-day window, on 2/18/09, [REDACTED] filed a hearing request on the denial of the 11/5/2008 application.

(6) [REDACTED] had actual notice of the denial.

(7) [REDACTED] indicated in its hearing request that it did not receive a copy of the 1150.

From the time of the denial until the present time, [REDACTED] did not ask claimant for a copy of the denial notice. [REDACTED] did not ask the department for a copy of the denial notice. [REDACTED] did ask for an administrative hearing requesting the Administrative Law Judge order the department to issue a new denial notice and alter the date on the denial notice.

(8) [REDACTED] stipulated that claimant would not be eligible due to claimant having indicated he was not disabled on the 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).

In this case, [REDACTED] requested a hearing regarding the action in this case. The action in this case was a denial of the MA for the reason that claimant listed on the application that he was not disabled. At the administrative hearing, as noted in the Findings of Fact, [REDACTED] stipulated that there would not be eligibility for MA on the grounds that claimant indicated no disability in the

household at application. Instead, ██████ requested the undersigned Administrative Law Judge to order the department to issue a new application eligibility notice and to change the date on the application eligibility notice. In response to this particular request, ██████ indicated that it had to deal with their client--the hospital they were representing--and some internal billing procedures at ██████

██████ cited no authority for which an Administrative Law Judge would order the department to alter dates on documents to benefit a representative's bookkeeping or accounting procedures. ██████ cited no authority or law. ██████ could have received a copy of the eligibility notice at any time from claimant and/or the department. ██████ never requested the same. ██████ had actual notice which suffices for written notice under the law.

It should be noted that there was no problem with regards to a timely hearing request--██████ requested a hearing within the 90-day window. ██████ could have tolled the window had ██████ requested a hearing beyond the 90-day window on the grounds that it was not given notice. However, there is no issue in this case with regards to the same. When the undersigned Administrative Law Judge indicated to ██████ that it could order the department to issue a copy of the 1150 without manipulating or changing any information or date(s) on the notice, ██████ indicated that it had a copy pursuant to the evidentiary hearing packet. Thus, there is no issue left for this Administrative Law Judge to resolve and the department's denial stands.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial is UPHELD.

/s/

\_\_\_\_\_  
Janice Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 9, 2009

Date Mailed: December 14, 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.

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 mailing date of the rehearing decision.

JS/cv

cc:

[REDACTED]