

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 20131
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lawrence Hollens

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 received by the Department on March 11, 2009. After due notice, a telephone hearing was conducted from Taylor, Michigan on August 26, 2009 with the claimant appeared and testified. [REDACTED], manager, and [REDACTED], disability specialist appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's medical assistance application?

FINDINGS OF FACT

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

- (1) In March of 2009, a Medicaid review was established by the Department.
- (2) The verifications were mailed to the claimant's address of record for that Medicaid review.

- (3) On March 7, 2009, the claimant's application was placed in negative action.
- (4) On March 11, 2009, the claimant requested a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM). Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms PAM 105, page 5. Verification means documentation or other evidence to establish the accuracy of the claimant's verbal statements. Verifications are considered timely if received by the due date.

The claimant stated that he had supplied the information to the Department on numerous occasions in the past and was having difficulty having paperwork he was submitting reach the file or his caseworker.

The claimant stated that he would obtain the missing bank statement from March 2009 and provide it to the manager as soon as possible.

The claimant also stated he had made various changes in his address and that the Department had sent the Notice of Hearing to an incorrect address which the claimant had not occupied for some period of time.

Under this scenario, the Department failed to establish it acted in accordance with Department policy when it denied the claimant's Medicaid application. Accordingly, the Department's denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the claimant's Medicaid application is not upheld. Accordingly it is ordered:

- (1) The Department's denial of the Medicaid application is REVERSED.
- (2) The Department shall reopen and process the claimant's March 2009 application in accordance with Department policy.
- (3) The Department shall supplement the claimant for any loss benefits he was otherwise eligible and qualified to receive in accordance with Department policy based upon the receipt of the bank information.

/s/
Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/09/09

Date Mailed: 09/09/09

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 20131/LH

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.

LH/kdj

cc:

