

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: 2009-21344  
Issue No: 2018  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 26, 2009  
Oakland County DHS (2)

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 26, 2009. The claimant appeared on her own behalf. The Department was represented by [REDACTED], a Family Independence Manager, and [REDACTED], an Eligibility Specialist.

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 Department issued an Application Eligibility Notice to deny the claimant's Medical Assistance application on January 29, 2009, based on the Department's position that the

claimant had failed to submit income and assets verification information that the Department needed to assess her application.

- 2) At the hearing held in this matter, the claimant maintained that she submitted the requested information to the Department on January 11, 2009.
- 3) Additionally at the hearing, the claimant had the information with her, a copy of which she had sent to the Department some months earlier, and she gave another copy of the information to the Department's representative.
- 4) Based on the claimant's submission of the requested information to the Department representative at the hearing, the Department agreed to forward the information for processing of the claimant's claim.

#### 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 denial of her Medicaid application. At the hearing, the Department agreed to process the claimant's case, based on her submission of the requested information. The claimant agreed with the department's proposed course of action. 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 the claimant's Medicaid case to process her claim 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

2009-21344/KPP

cc:

