

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.: 2009-22067

Issue No.: 2011

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

January 11, 2009

Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 11, 2009. The Claimant was represented by his Authorized Representative (AR), [REDACTED].

ISSUE

Did the Department properly open the Claimant's Medical Assistance (MA) and retroactive MA?

FINDINGS OF FACT

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

1. On August 2, 2006, the Claimant's AR filed an application for MA and retroactive MA.

2. On June 4, 2008, the 30th Circuit Court issued a Stipulation to dismiss allowing the claimant 60days to provide documentation of income.
3. On August 6, 2008, the court provided a certified copy of the dismissal order as shown in the proof of service dated same. (Department exhibits A 14/15).
4. On August 20, 2008, the department denied the application for failure to provide the required verification.
5. On November 11, 2008, the Claimant, through his AR, requested a hearing.

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 (formerly known as the Family Independence Agency) 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).

Here, at the hearing the Department argues that the original order though not served on either party is binding. It is well settled that the parties need to be served officially as they were on August 6, 2008.

The undersigned finds that the formal service was necessary and the department should reregister the application.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to re-register the MA application for the August 2, 2008, date.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/4/2010

Date Mailed: 3/4/2010

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.

MJB/jlg

cc:

