

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: 2009-23903

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 13, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on Tuesday, October 13, 2009. The claimant personally appeared and testified with his authorized representative [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) based upon the fact that the claimant did not provide the required verifications?

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 September 5, 2008, DHS received an Administrative Law Judge hearing Decision that approved the claimant's prior application of October 27, 2006. (Department Exhibit 22-28)

(2) On September 15, 2008, the department caseworker sent the claimant and his authorized representative a Verification Checklist that was due at an interview September 25, 2008 at [REDACTED] (Department Exhibit 1)

(3) On September 25, 2008, the claimant missed his face-to-face interview which was required to determine eligibility for SDA.

(4) On September 25, 2008, October 3, 2008, October 14, 2008, October 24, 2008, November 3, 2008, November 13, 2008, November 24, 2008, December 4, 2008, December 12, 2008, December 23, 2008, and December 31, 2008, [REDACTED] asked for additional time because they were waiting for a copy of the claimant's identification, birth certificate, Social Security card, proof of application of Social Security, and a signed and dated DHS-3975. (Department Exhibit 7-15)

(5) On January 14, 2009, the department caseworker sent the claimant and [REDACTED] a denial notice for the claimant's application dated October 27, 2006 that MA and SDA was denied because the claimant or his authorized representative failed to submit the required verifications. (Department Exhibit B)

(6) On April 13, 2009, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.

(7) During the hearing, the department caseworker stated that DHS was still missing the birth certificate.

(8) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's October 27, 2006 application using the DCH Birth Registry to get the claimant's birth certificate, but if it is not available on that system, the claimant and his authorized representative will be given 10 days to provide a copy of the birth certificate.

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 the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's October 27, 2006 application using the DCH Birth Registry to get the claimant's birth certificate, but if it is not available on that system, the claimant and his authorized representative will be given 10 days to provide a copy of the birth certificate. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ORDERED to reinstate the claimant's October 27, 2006 application and query the Department of Community Health's Birth Registry for the claimant's birth certificate, and if not available on that system to give the claimant and his authorized representative 10 days to provide a copy of the birth certificate, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 16, 2009

Date Mailed: November 16, 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 receipt date of the rehearing decision.

CGF/vmc

cc:

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