

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: 2009-25913
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA16.409 and MCL 400.37; MSA 16.437 and upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, March 15, 2010. The Claimant did not appear but was represented by his authorized representative, [REDACTED]. [REDACTED]. Robin Stanford appeared on behalf of the Department.

ISSUE

Whether or not reasonable efforts were being made to secure the requested verifications which resulted in the denial of the Claimant's September 26, 2008 Medical Assistance ("MA") application?

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 September 26, 2008, the Claimant submitted a public assistance application seeking MA-P benefits retroactive to September 2008.
2. On January 27, 2009, the Department sent a Verification Checklist to the Claimant requesting the verifications be submitted by February 12, 2009. (Exhibit 1)
3. On February 12, 2009, the Claimant, through his authorized representative, requested an extension to submit the requested verifications. (Exhibit 2)
4. The Department granted the extension request until February 22, 2009.
5. On February 21, 2009, the Claimant, through his authorized representative, again requested a second extension to submit the requested verifications as the records from the hospital had not been received. (Exhibit 3)
6. On February 26, 2010, the Department denied the Claimant's application for Medical Assistance due to the failure by the Claimant to provide the requested documentation by the extension due date. (Exhibit 4)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110 An application is incomplete until enough information is

provided to determine eligibility. BAM 115 Retro MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 130

Under Bridges 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 receives a hearing request and continues through the day of the hearing.

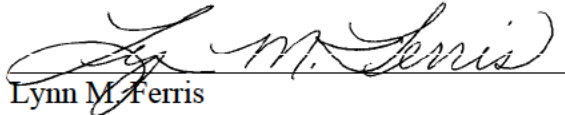
In the present case, the parties reached an agreement whereby the Department agreed to reinstate the Claimant's MA application retroactive to September 2008. The parties further agreed that the Department will resubmit the Claimant's MA application to the Medical Review Team for a new evaluation and redetermination. 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 Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

The Department is ordered to re-open and re-process the Claimant's MA application dated September 26, 2008 retroactive to September 2008, and the Department will resubmit the Claimant's MA application to the Medical Review Team for a new redetermination.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/24/10

Date Mailed: 03/26/10

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.

LMF/dm

cc:

