

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.: 2009-3825
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 18, 2009
Wayne County DHS (15)

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 November 18, 2009. The Claimant was represented by her authorized representative (AR) L & S.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (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 July 27, 2007, the Claimant applied for MA and retroactive MA.
2. On May 19, 2008, the department denied the claimant's MA and retro MA.
3. On September 8, 2009, the department scheduled a hearing to decide if the denial had been proper. The department never called the AR for a three-way hearing.
4. On September 9, 2009, the AR requested that the hearing be rescheduled.

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).

In the instant case the department denied the claimant's MA, and retroactive MA after the state's Medical Review Team MRT denied the claimant's application and retro application after determining that the claimant had a non-exertional impairment.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to reissue a current application eligibility notice and allow claimant and her AR the opportunity to review the MRT denial and again request a hearing.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the department and claimant have come to an agreement and ORDERS the Department to reissue a current application eligibility notice and allow claimant and her AR the opportunity to review the MRT denial and again request a hearing.



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

Date Signed: 1/19/2010

Date Mailed: 1/19/2010

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 60 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:

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