

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: 2009-6928

Issue No: 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 7, 2009

Oakland 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, April 7, 2009. The claimant was not present, but was represented by her attorney, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P)?

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 February 28, 2008, the claimant applied for MA-P and retroactive MA-P to December 2007.

(2) On April 14, 2008, the Medical Review Team (MRT) denied the claimant's application for MA-P stating that the claimant had a non-severe impairment.

(3) On April 22, 2008, the department caseworker sent the claimant a notice that her application was denied.

(4) On July 10, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(5) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to issue a denial notice with today's date of April 7, 2009 for the February 28, 2008 application with retroactive MA-P to December 2007 based on the MRT decision of April 14, 2008. The department will send a copy of the denial notice to the claimant's attorney at [REDACTED]

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 issue a denial notice with today's date of April 7, 2009 for the February 28, 2008 application with retroactive MA-P to December 2007 based on the MRT

decision of April 14, 2008. The department will send a copy of the denial notice to the claimant's attorney a [REDACTED] If the claimant does not agree with the determination, she 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 issue a denial notice with today's date based on the February 28, 2008 MA application with retroactive benefits to December 2007, if it has not already done so.

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

Date Signed: April 29, 2009

Date Mailed: April 29, 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.

2009-6928/CGF

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.

GGF/vmc

cc:

[REDACTED]