

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: 2009-6929

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 23, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 July 23, 2009. Claimant was represented by [REDACTED]

[REDACTED] Amy Connell, Family Independence Manager, appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (M.A.)?

FINDINGS OF FACT

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

1. Claimant's first application for Medical Assistance (M.A.) was filed on January 30, 2008.

2. On March 4, 2008, the Department denied claimant's application for lack of verification.
3. A request for hearing was not filed on this application. Claimant contacted her representative on March 12, 2008 that she wanted to re-file to include her husband on the application.
4. Claimant's second application for Medical Assistance (M.A.) was filed on March 20, 2008.
5. Claimant's representative submitted a completed verification checklist on April 13, 2008.
6. Several months went by without a confirmation or application eligibility notice (denial) from the Department.
7. Claimant's representative filed a hearing request on June 27, 2008 requesting the Department reprocess the application.
8. On July 2, 2008, claimant's representative received notification from the Department that if the hearing request was withdrawn, the application would be reprocessed.
9. On July 11, 2008, claimant's representative withdrew the first hearing request on the March 20, 2008 application.
10. Another verification checklist was issued on July 14, 2008 with a due date of July 24, 2008.
11. Claimant's representative requested extensions on July 24, 2008, August 2, 2008 and August 13, 2008.
12. The Department issued application for eligibility notice (DHS-1150) on August 13, 2008.

13. At the hearing, the Department agreed to reinstate and reprocess the application of March 20, 2008.
14. As a result of this agreement, claimant's representative no longer wished to proceed with the 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).

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues to the date of the hearing.

In the present case, claimant, through her representative, is contesting the denial of her application for Medical Assistance (M.A.). At the hearing, the Department agreed to reinstate and reprocess claimant's application of March 20, 2008. Claimant's representative was in agreement with the proposed action to be taken by the Department and no longer wished to proceed with the hearing. Since the parties have come to 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 Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and claimant, through her representative, have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the Department reinstate and reprocess claimant's application of March 20, 2008 for Medical Assistance (M.A.) in accordance with this Settlement Agreement.

/s/

Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 29, 2009

Date Mailed: August 05, 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 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.

LDD/law

cc:

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