

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: 2009-7468

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 1, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 October 1, 2009. Claimant was represented at the hearing by [REDACTED] and his spouse.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P) based upon its determination that claimant failed to provide verification information?

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 July 30, 2008, the Department of Human Services received an application for Medical Assistance from the claimant's representative. The application requested Medical Assistance and retroactive Medical Assistance to April 2008.

(2) Claimant deceased on [REDACTED]

(3) On August 22, 2008, the specialist mailed a Verification Request form (DHS-3503) requesting proof of income and assets for the month of April 2008.

(4) Verifications were due by September 2, 2008.

(5) Claimant's representative provided copies of Federal Express receipts indicating that a DHS employee signed for delivery on August 28, 2008.

(6) Claimant's representative stated the package delivered contained copies of bank statements and income verification.

(7) On August 9, 2009, the department denied claimant's application stating that claimant failed to provide verification information.

(8) On October 30, 2008, [REDACTED] filed a request for a hearing to contest the department's negative action.

#### 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).

The department conceded on the record that because the claimant deceased on [REDACTED] and would have been eligible for Medical Assistance benefits in the month in which he was deceased, this Administrative Law Judge will reverse the department's decision and allow [REDACTED] thirty (30) days in which to provide verification of assets and income for the month of April 2008.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has conceded on the record that claimant died [REDACTED]. Department policy indicates that a claimant would be eligible in the month in which they deceased if all other eligibility requirements are met.

Accordingly, the department's decision is REVERSED. The claimant's retroactive Medical Assistance application for the month of April 2008 shall be reinstated as claimant does meet the definition of medically disabled under the Medical Assistance program for the month of April 2008. The department is ORDERED to reinstate the claimant's retroactive Medical Assistance application for the month of April 2008 and, if it has not already done so, to allow claimant's representative to provide proof of assets and income within thirty (30) days of the receipt of this decision. Once the claimant's representative provides the department with the proof of assets and income for the month of April 2008, the department shall determine if all other non-medical eligibility criteria were met. The department shall inform the claimant's

representative of the determination in writing, and if claimant was otherwise eligible in the month of April 2008, shall open a Medical Assistance case for the month in which claimant deceased.

/s/ \_\_\_\_\_  
Landis Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 20, 2009

Date Mailed: October 20, 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.

LYL/vmc

cc:

