

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: 2009-7515
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 25, 2009
Kalamazoo 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 three-way telephone hearing was held on Tuesday, August 25, 2009. The claimant personally appeared and testified with her authorized representative, [REDACTED]

ISSUE

Did the department properly determine that the claimant's was not eligible for Medical Assistance (MA-P) and retroactive MA-P benefits based upon that the fact that either the claimant or her authorized representative did not provide the required verifications?

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 August 28, 2008, the claimant applied for Medical Assistance with retroactive Medical Assistance benefits to May 2008.

(2) On September 22, 2008, the department caseworker sent a Verification Checklist, DHS-3503, requesting a copy of the claimant's birth certificate. (Department Exhibit 41-42)

(3) On October 27, 2008, the department caseworker sent the claimant and her authorized representative a denial notice stating that Medical Assistance was denied because of failure to provide a copy of an official birth certificate. (Department Exhibit 7)

(4) The claimant has been approved for RSDI and SSI through the Social Security Administration with a disability onset date of [REDACTED]

(5) During the hearing, the claimant stated that she had provided her birth certificate to [REDACTED] but not to the department.

(6) During the hearing, the department caseworker stated that she did not receive a copy of the birth certificate from [REDACTED] or from the claimant.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's August 28, 2008 application with retroactive benefits to May 2008.

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 reprocess the claimant's August 28, 2008 application with retroactive benefits to May 2008.

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 reinstate and reprocess the claimant's August 28, 2008 application with retroactive benefits to May 2008, if it has not already done so.

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

Date Signed: October 6, 2009

Date Mailed: October 6, 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.

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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.

CGF/vmc

cc:

