

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: 2009-10155
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Lawrence Hollens

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 received by the Department on November 23, 2008. After due notice, a telephone hearing was conducted from Livonia, Michigan on August 6, 2009. The claimant appeared by way of his brother and attorney [REDACTED] and testified. [REDACTED], manager and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's Medical Assistance application?

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 September 30, 2008, redetermination paperwork was sent to [REDACTED], the mother of the claimant.

- (2) On November 18, 2008, the case was closed for failure to return the redetermination paperwork.
- (3) On November 23, 2008, a hearing was requested where the petitioner indicated they did not receive the paperwork.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM).

Clients must cooperate with the local office in determining the initial amount of eligibility to include the completion of the necessary forms. PAM 105, page 5 verification means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. The claimant was informed that the Department did not have the verification paperwork that was sent in particular form 1171.

The claimant's brother and attorney indicated that the verification paperwork was submitted by his mother and that there appear to be no record in the Department's file that was not due to their lack of providing the necessary paperwork.

During the hearing process, the attorney for the claimant indicated that he would complete the paperwork and provide it to the Agency for hearing.

Under the above scenario, the Department failed to establish it acted in accordance with departmental policy when it denied the claimant's Medicaid Assistance application. Accordingly, the Department's Medicaid Application is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's Medicaid Application denial is not upheld. Accordingly it is ordered:

- (1) The Department's denial of the Medicaid Application is REVERSED.
- (2) The Department shall reopen and process the claimant's Medicaid Application in accordance with the Department's policy.
- (3) The Department shall supplement the claimant for any loss benefits he was otherwise eligible and qualified to receive in accordance with Departmental policy.

/s/
Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/31/09

Date Mailed: 08/31/09

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.

2009-10155/LH

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.

LH/kdj

cc:

