

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: 2009-10301
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
Wayne County DHS (43)

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 December 3, 2008. After due notice, a telephone hearing was conducted from Livonia, Michigan on August 6, 2009. The claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's medical assistance application and retroactive 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 June 13, 2008 the claimant applied for Medicaid Assistance program and medical assistance program.

- (2) On September 5, 2008, the case was denied for failure to return the required verification.
- (3) On March 14, 2008, [REDACTED] became the authorized representative.
- (4) In the request for hearing on December 3, 2008, [REDACTED] indicated that they did not receive the DHS 3503 which resulted in the claimant's denial of benefits.

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 and ongoing eligibility to include the completion of the necessary forms. The duly authorized representative stated that they did not receive the DHS 3503 and therefore the form was not completed.

The Department representative was questioned regarding whether or not the records reflected that a DHS 3503 was sent to [REDACTED] as the duly authorized representative. The Department representative could not verify that a DHS 3503 was in fact mailed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's Medicaid Application denial is reversed. Accordingly, it is ordered:

- (1) The Department's denial of the Medicaid Application is REVERSED.

- (2) The Department shall reopen and process the payment June 13, 2008 Medicaid Application in accordance with the Department's policy.
- (3) The Department shall supplement the claimant for any loss benefits he is otherwise eligible and qualified to receive in accordance with Department 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.

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:

