

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: 2009-1330
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
Wayne County DHS (82)

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 September 26, 2008. After due notice, a telephone hearing was conducted from Redford, Michigan on August 5, 2009. The authorized representative, [REDACTED], appeared by way of [REDACTED]. [REDACTED], manager, and [REDACTED], eligibility specialist, 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) The claimant is located in a long-term care facility
- (2) [REDACTED] entered a representative capacity for the claimant.

- (3) On June 18, 2008, the Department of Human Services sent to the [REDACTED] a DHS 330 application to be completed by the representative.
- (4) On July 3, 2008, a denial was issued to [REDACTED] indicating no reply.

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 or their authorized representative must cooperate with the local office in determining the initial and on going 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 and PAM 130, page 1. The authorized representative was informed that it needed to complete a DHS 330. However, the application was denied based upon the failure to submit the DHS 330 which was sent to the authorized representative.

An attempt was made to determine whether or not the information contained in the representative's request for hearing was accurate in that they believed that it had mailed the completed form to the wrong address. When the [REDACTED] representative reviewed the various documents that were sent to the other address, it did not discover the appropriate DHS 330 form and acknowledged that it apparently was never sent as requested. Accordingly, the Department's medical denial is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's medical assistance application is upheld. Accordingly, it is ordered the Department's denial of the medical assistance application is AFFIRMED.

/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/kj

cc:

