

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: 2009-14915

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 13, 2009

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 August 13, 2009. Claimant appeared and testified. Michael Hoard, Family Independence Manager, appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant's MA-Disability application was filed on December 11, 2008.
2. On December 11, 2008, the Department provided claimant with the Verification Checklist (DHS-3503) and also requested he complete the Medical Exam Report (DHS-49), Social Summary (DHS-49B), Medical-Social Questionnaire (DHS-49F)

and Activities of Daily Living (DHS-49G). Claimant filled out the information he was able to supply on these forms while at the local office.

3. That same day, he went to the hospital emergency room to acquire medical documentation, which he was told would be acceptable as verification. The Department never told him the medical report submitted was deficient or offered to provide him with assistance in acquiring necessary medical information.
4. On January 7, 2009, the Department issued Application Eligibility Notice (DHS-1150) for failure to provide verification, pertaining to Medical Examination Report (DHS-49) and completed Medical-Social Questionnaire (DHS-49F).
5. Claimant submitted a request for hearing on January 27, 2009.
6. The Department's representative admitted claimant made reasonable efforts to promptly acquire the verification information requested. However, there appears to have been a lack of communication between the parties regarding what medical information needed to be furnished
7. At the hearing, the Department agreed to reinstate and reprocess claimant's MA-Disability application of December 11, 2008 and to assist him in acquiring the necessary medical documentation.
8. As a result of this agreement, claimant no longer wished to proceed with the hearing.

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 (formerly known as the Family Independence Agency) 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).

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues to the date of the hearing.

In the present case, claimant is contesting the denial of his MA-Disability application. During the hearing, the Department agreed to reinstate and reprocess claimant's application of December 11, 2008. Claimant was in agreement with the proposed action to be taken by the Department and no longer wished to proceed with the hearing. Since the parties have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the parties have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the Department reinstate and reprocess claimant's MA-Disability application of December 11, 2008 in accordance with this Settlement Agreement.

/s/ _____
Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 17, 2009

Date Mailed: September 2, 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 receipt 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.

LDD/law

cc:

