

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: 2009-15117
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Berrien 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 19, 2009. Claimant appeared and testified. Kathy Valdes, Family Independence Manager and Stephanie Johnson, Eligibility Specialist, 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 4, 2008.
2. On December 17, 2008, the Department provided the claimant with the Verification Checklist (DHS-3503) and also requested he complete the medical exam report (DHS-49), Medical-Social Questionnaire (DHS-49F) and Activities of Daily Living

(DHS-49G), along with medical records he wanted reviewed by the Medical Review Team.

3. Verifications were due on January 7, 2009.
4. Claimant notified the Department on January 7, 2009, that his verification information had been mailed. The Department received only the Activities of Daily Living (DHS-49G) on that date.
5. The Department never contacted the claimant to let him know the documentation submitted was insufficient [to determine his eligibility] and never provided him with at least a 10 day extension to acquire the information still needed.
6. On January 8, 2009, the Department issued an Application Eligibility Notice (DHS-1150) for failure to provide verification, pertaining to Medical Examination Report (DHS-49) and complete Medical-Social Questionnaire (DHS-49F).
7. Claimant submitted a request for hearing on February 2, 2009.
8. During the hearing, the Department agreed to reinstate and reprocess claimant's MA-Disability application of December 4, 2008.
9. 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 4, 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 4, 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 19, 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:

