

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: 2009-15120

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 1, 2009

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, October 1, 2009. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly deny the claimant's Medical Assistance benefits based upon the fact that the claimant did not provide the required verification?

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 December 10, 2008, the claimant applied for Medical Assistance benefits.
- (2) On February 11, 2009, the department caseworker sent the claimant a denial notice because he did not provide the required verification to determine eligibility.
- (3) On February 23, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
- (4) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's December 10, 2008 application once the claimant provides copies of his bank statements for the time period in question for MA. The claimant agrees to provide income and asset information for the department to determine MA eligibility for the time period in question. The department will send a Verification Checklist to the claimant giving him ten (10) days to provide the required verification.

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 (DHS or department) 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's December 10, 2008 application once the claimant provides copies of his bank statements for the time period in question for MA. The

claimant agrees to provide income and asset information for the department to determine MA eligibility for the time period in question. The department will send a Verification Checklist to the claimant giving him ten (10) days to provide the required verification. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ORDERED to reprocess the claimant's December 10, 2008 application once the claimant provides the required income and asset verification to determine MA eligibility, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2009

Date Mailed: October 27, 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.

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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.

CGF/vmc

cc:

