

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: 2009-21351
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2009
Emmet 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 Wednesday, June 10, 2009. The claimant is deceased, but was represented by her husband, [REDACTED], and authorized representative, [REDACTED]

ISSUE

Did the department properly determine that the claimant was not eligible for Medical Assistance (MA) benefits because a completed application was not submitted within the required timeframe?

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 26, 2008, the claimant was deceased.
- (2) On September 27, 2008, [REDACTED], submitted to the department a filing form requesting retroactive MA to June 2008, which required a completed application within 30 days. When the completed application was not returned by October 29, 2008, the registration of the filing form then dropped off the system. (Claimant Exhibit 29-38)
- (3) On September 24, 2008, [REDACTED] submitted to the department a completed application. (Department Exhibit 6-11) (Claimant Exhibit 11-28)
- (4) On December 29, 2008, the department caseworker sent the claimant a denial letter for AMP. (Department Exhibit 42-41)
- (5) On December 30, 2008, the department caseworker sent [REDACTED] a Verification Checklist to provide the required verification by January 12, 2009. (Department Exhibit 44)
- (6) On March 23, 2009, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.
- (7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's September 27, 2008 MA application with retroactive benefits to June 2008. The claimant's authorized representative agrees to provide the husband and wife's income for June 2008, any bank statements for accounts, and have the claimant's husband or daughter sign the application within 20 days. If the required information in the Verification Checklist sent to the claimant's authorized representative on June 10, 2009 to request the information required to determine eligibility is not received within 20 days, the department action stands and the claimant's family or her authorized representative cannot file a request for a hearing. No additional time will be given because this is an application that was

filed on September 27, 2008, which has given the authorized representative and the claimant's family sufficient time to get the required information for completing the application since today is June 10, 2009.

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 September 27, 2008 MA application with retroactive benefits to June 2008. The claimant's authorized representative agrees to provide the husband and wife's income for June 2008, any bank statements for accounts, and have the claimant's husband or daughter sign the application within 20 days. If the required information in the Verification Checklist sent to the claimant's authorized representative on June 10, 2009 to request the information required to determine eligibility is not received within 20 days, the department action stands and the claimant's family or her authorized representative cannot file a request for a hearing. No additional time will be given because this is an application that was filed on September 27, 2008, which has given the authorized representative and the claimant's family sufficient time to get the required information for completing the application, since today is June 10, 2009.

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 September 27, 2008 MA application with retroactive benefits to June 2008 if the claimant's authorized representative provides the required verification as stated in the Verification Checklist dated June 10, 2009 within 20 days, if it has not already done so.

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

Date Signed: July 16, 2009

Date Mailed: July 16, 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 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:

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