

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: 2009-25353

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 24, 2009

Lenawee 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, an in-person hearing was held on Thursday, September 24, 2009. The claimant personally appeared and testified with his authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance 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 February 24, 2009, the claimant application for Medical Assistance.

(2) On April 9, 2009, the department caseworker sent the claimant a denial notice based upon the fact that neither the claimant nor his authorized representation had provided the required verification.

(3) On May 1, 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 February 24, 2009 application and consider the claimant for Group 2 MA. The claimant agrees to provide the required verification from November 2008 with a Verification Checklist being provided to the claimant and his authorized representative dated September 24, 2009 that is due October 5, 2009 with no extensions.

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 February 24, 2009 application and consider the claimant for Group 2 MA. The claimant agrees to provide the required verification from November 2008 with a Verification Checklist being provided to the claimant and his

authorized representative dated September 24, 2009 that is due October 5, 2009 with no extensions.

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 February 24, 2009 application and consider the claimant for Group 2 MA, if it has not already done so. The claimant agrees to provide the required verification from November 2008 with a Verification Checklist being provided to the claimant and his authorized representative dated September 24, 2009 that is due October 5, 2009 with no extensions.

/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:

