

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: 2009-26589

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 1, 2009

Livingston 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 Tuesday, September 1, 2009. The claimant personally appeared and testified with his wife, [REDACTED] and authorized representative, [REDACTED]

ISSUE

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

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 22, 2008, the department received an application for the claimant by [REDACTED] with Medical Assistance requested for the claimant from September 2008 for the claimant and child. (Department Exhibit 1-5)

(2) On February 9, 2009, a Verification Checklist, DHS-3503, was sent to the claimant requesting additional verification that was due back on February 19, 2009. (Department Exhibit 6)

(3) On February 19, 2009, the claimant called and questioned why the DHS-3503 was sent to him. The department caseworker was under the impression that the claimant withdrew the application over the phone. (Department Exhibit 7) This resulted in the application being denied and a DHS-1150 was sent. (Department Exhibit 8-9) The requested verifications were not returned to the department.

(4) On May 13, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(5) During the hearing, the claimant stated that he did not understand what was requested of him and that he did not intend to or have the intention of withdrawing the application.

(6) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinitiate and reprocess the claimant's December 22, 2008 application with retroactive benefits to September 2008 and send out a new Verification Checklist for the claimant to provide the verifications to determine eligibility.

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 reinitiate and reprocess the claimant's December 22, 2008 application with retroactive benefits to September 2008 and send out a new Verification Checklist for the claimant to provide the verifications to determine eligibility.

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 reinstate the claimant's December 22, 2008 application with retroactive benefits to September 2008, 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 6, 2009

Date Mailed: October 6, 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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