

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: 2009-29777
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 17, 2010
Genesee 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 three-way telephone hearing was held on Wednesday, March 17, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA-P) application for failure to provide 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 25, 2009, the claimant applied for Medical Assistance with retroactive Medical Assistance to November 2008.

(2) On March 2, 2009, the department caseworker sent the claimant a Verification Checklist, DHS-3503, that was due March 12, 2009 to provide additional verification to determine MA eligibility. (Department Exhibit A)

(3) On April 8, 2009, the claimant's application was denied for failure to provide required verification. (Department Exhibit C)

(4) On June 8, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(5) During the hearing, the department caseworker testified that neither the claimant nor her authorized representative ever provided a copy of the birth certificate where it was ordered, but never provided.

(6) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to fax a Verification Checklist on March 17, 2010 for the claimant's authorized representative to provide a copy of the birth certificate and final adoption decree within 10 days and no extension.

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 fax a Verification Checklist on March 17, 2010 for the

claimant's authorized representative to provide a copy of the birth certificate and final adoption decree within 10 days and no extension. If the claimant does not agree with the determination, she 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 25, 2009 application with retroactive benefits to November 2008 by sending a Verification Checklist on March 17, 2010 to [REDACTED] and the claimant to provide a copy of the birth certificate and final adoption decree within 10 days with no exception, if it has not already done so.

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

Date Signed: April 22, 2010

Date Mailed: April 22, 2010

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:

