

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.: 2009-32398
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 28, 2009
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on October 28, 2009. Claimant appeared for the hearing. Claimant was represented by [REDACTED]

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA) based upon failure to provide verification of eligibility?

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 November 29, 2007, claimant's authorized representative filed an application on claimant's behalf for MA. The application sought MA coverage retroactive to August of 2007.

- 2) On December 14, 2007, the department sent a verification checklist to claimant. The department did not send a copy of the checklist to claimant's authorized representative.
- 3) On January 14, 2008, the department denied claimant's application based upon failure to provide verification of eligibility. Notice of the denial was sent to the claimant but not to claimant's authorized representative.
- 4) On June 30, 2008, claimant's authorized representative filed a hearing request to protest the department's failure to provide requested benefits.
- 5) On June 1, 2009, claimant's authorized representative filed a second request for hearing to protest the department's failure to provide benefits.
- 6) At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of the November 29, 2007, application for MA. The department agreed to provide claimant's authorized representative with copies of all correspondence sent to claimant.
- 7) Claimant and her authorized representative indicated satisfaction with the department's plan of action.

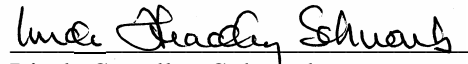
CONCLUSIONS OF LAW

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).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's November 29, 2007, application for MA. The department agreed to provide claimant's authorized representative with copies of all correspondence sent to claimant. Claimant and her authorized representative indicate satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of the November 29, 2007, application for Medical Assistance. The department shall provide claimant's authorized representative with copies of all correspondence sent to claimant.


Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 2, 2010

Date Mailed: February 3, 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.

2009-32398/LSS

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.

LSS/pf

cc:

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