

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No: 2009-32495

Issue No: 2006

Case No:



Load No:



Hearing Date:

January 5, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 January 5, 2010.

ISSUE

Was positive/negative case action notice mailed to L&S Associates, Inc.?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) Positive/negative case action: Medicaid application on October 10, 2006 was approved on March 9, 2007 for December 2006 (month of claimant's death) and denied for retroactive months of September/October 2006 per PEM 260.

(2) It is the well-settled law that authorized representatives are entitled to notices of case actions. R 400.902.

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 facts above are undisputed.

The [REDACTED] representative testified that it never received the positive/negative case action notice. The DHS representative was a substitute for the caseworker who sent the notice(s), and not familiar with the mailing process on March 9, 2007.

This ALJ is not persuaded by the preponderance of the evidence of record that the DHS mailed a positive/negative case action notice to [REDACTED] required by Administrative Rule 400.902.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that positive/negative case action notice was not mailed to [REDACTED].

Accordingly, Medicaid denial is REVERSED for the retroactive months of September/October 2006 and notice to [REDACTED] in accordance with the above rule is ORDERED.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 25, 2010

Date Mailed: February 26, 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.

WAS/tg

cc:

