

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: 2009-33959
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 November 18, 2009. Claimant did not appear. Claimant was represented at the hearing by [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's Retroactive application for Medical Assistance?

FINDINGS OF FACT

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

(1) In the instant case, the worker determined that she was in error for denying the Retroactive application for Medical Assistance benefits for the month of November 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the department's conceding error on the record, decides that the department has not appropriately established on the record that it was acting in compliance with department policy when it denied claimant's Retroactive Medical Assistance application for the month of November 2008.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's application for the month of November 2008 and process claimant's application. The department should determine whether or not claimant met all other non-medical criteria and if claimant is otherwise eligible shall open a Medical Assistance case for claimant for the month of November 2008.

/s/
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 13, 2010

Date Mailed: April 13, 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.

2009-33959/LYL

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.

LYL/alc

cc:

