

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.: 2009-3405
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 11, 2010
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on January 11, 2010. The Claimant's Authorized Representative, [REDACTED] of [REDACTED], appeared and testified. [REDACTED] Assistant Payment Specialist and [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Has the Department properly processed Claimant's application for Medicaid?

FINDINGS OF FACT

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

- (1) Claimant applied for Medicaid on February 27, 2008 with retroactive coverage to November 2007.
- (2) This application was never processed as it was lost by the Department.
- (3) No notice of denial was ever issued for the February 27, 2008 application.

- (4) Claimant requested hearing on September 25, 2008 contesting the failure to process the application.

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 (formerly known as the Family Independence Agency) 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 Medical Assistance program was designed to assist needy persons with medical expenses. PAM 115 requires that the Department send a notice to the Claimant with reasons for denial within the standard of promptness.

In the present case, the Department did not send notice to the Claimant of a denial within the standard of promptness as required by PAM 115. It appears that the file was lost and a denial never issued. No evidence was presented at hearing showing that a denial of the February 27, 2008 ever issued. The application should be reinstated and reprocessed back to the original application date of application February 27, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department has not properly processed Claimant's application for Medical Assistance.

Accordingly, the Department's determinations are REVERSED. Claimant's application shall be reinstated and reprocessed back to the date of the original application.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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 receipt 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.

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