

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: 2009-34262

Issue No: 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 15, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. On March 24, 2009 an application for MA and SDA was filed.
2. On May 14, 2009 the Claimant was scheduled for an interview regarding her application and she failed to appear.
3. On May 15, 2009 the Department denied the Claimant's application for MA.

4. On June 22, 2009 the Claimant requested a hearing.

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).

In the present case, the Department testified the Claimant's MA application was denied based upon her failure to appear for an interview scheduled for May 14, 2009. The Claimant testified she didn't show for the appointment because she failed to pick up her mail and didn't realize she had an appointment until after the date of the appointment.

The Department properly sent an appointment notice regarding an interview scheduled for May 14, 2009. The Claimant failed to get her mail and failed to call the Department until after the application had been denied. The Department properly denied the Claimant's application for failure to attend the in person interview.

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 was acting in compliance with Department policy when it denied the Claimant's MA and SDA application dated March 24, 2009.

Accordingly, the Department's decision in this regard be and is hereby
AFFIRMED.

/s/ _____
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/20/09 _____

Date Mailed: 10/20/09 _____

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.

JWO/at

cc:

