

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████  
c/o ██████████  
Claimant

Reg. No.: 2009-36677  
Issue No.: 2000  
Case No.: ██████████  
Load No.: ██████████  
Hearing Date:  
January 7, 2010  
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, January 7, 2010. The Claimant's daughter, who holds power of attorney, appeared. The Claimant was represented by ██████████ ██████████ ██████████ and ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's March 31, 2009 Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. The Claimant resides at a nursing care facility.
2. On March 31, 2009, an application for public assistance seeking Medical Assistance benefits retroactive for December 2008, was submitted on the Claimant's behalf.

3. The application was denied based on the failure to return requested verifications.
4. On the record, the Department agreed to re-register and re-process the March 31, 2009 application in accordance with department policy.

#### CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110 Clients must complete and sign public assistance applications. PAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115

In this case, the Department agreed to re-register and re-process the March 31, 2009 application in accordance with Department policy. In addition, the Department agreed to send the Verification Checklists to the nursing facility, the Claimant’s daughter/POA, and to the Claimant’s attorney.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's shall register and process the Claimant's March 31, 2009 application in accordance with department policy.
2. The Department shall send any correspondence to include the Verification Checklist(s) to the nursing facility, the Claimant's daughter/POA, and to the Claimant's attorney.
3. The Department shall notify the parties in writing of the determination in accordance with department policy.
4. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

*Colleen M. Mamelka*

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Colleen M. Mamelka  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 2/02/2010

Date Mailed: 2/02/2010

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 60 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.

CMM/jlg

cc:

