

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: 20095998
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 9, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Lawrence Hollens

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 hearing received by the department on November 7, 2008. After due notice, a telephone hearing was conducted from Warren, Michigan on July 9, 2009. The claimant appeared and testified. Geraldine Monroe appeared on behalf of the department.

ISSUE

Whether the department properly denied 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 material fact:

(1) On May 27, 2008, the claimant filed an application where he indicated he was not disabled.

- (2) The claimant was also employed by the [REDACTED].
- (3) AMP was approved dated May 28, 2008.
- (4) On August 18, 2008, another application was sent to the claimant; however, the client failed to sign the application.
- (5) The application was returned to the client with a letter dated September 30, 2008 notifying him that he needed to return the application signed.
- (6) The client failed to return his application dated August 25, 2008.
- (7) A denial notice dated October 7, 2008 was sent to the claimant incorrectly.
- (8) The claimant apparently had a pre-trial conference on November 7, 2008, and during this conference, the department representative refused to allow the claimant to sign the application and process it at that point.
- (9) The claimant alleged the initial claims taker, [REDACTED], told him that he did not need to sign the application creating the controversy involved in this appeal.

CONCLUSIONS OF LAW

The medical assistance program is established by Subchapter 19 of Chapter 7 of the Public Health and Welfare Act, 42 USC 1297, and as administered by the Department of Human Services (DHS), formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining the initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, pg. 5 verification, means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. PAM 130, pg. 1. The claimant was informed that he needed to sign the application

in question and his medical expenses would have been submitted to the medical review team. However, the application was denied based upon the failure to submit a signed application.

Under the scenario, the department failed to establish it acted in the accordance with departmental policy when it denied the claimant's MA application. Accordingly, the department's MA denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department's MA application is not upheld.

Accordingly, it is ORDERED:

- (1) The department's denial of the MA application is REVERSED.
- (2) The department shall reopen and process the claimant's August 18, 2008 MA application in accordance with the department's policy.
- (3) The department shall supplement the claimant for any lost benefits he was otherwise eligible and qualified to receive in accordance with department policy.

/s/ _____
Lawrence E. Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/04/09

Date Mailed: 08/19/09

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.

2009-5998/LEH

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.

LEH/kj

cc:

