

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: 2009-6504
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 August 12, 2009. The Claimant was represented by authorized representative, [REDACTED] of [REDACTED]. Linda Riffenburg, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's MA case based upon failure to provide verifications and appear for interview?

FINDINGS OF FACT

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

1. Claimant applied for MA and MA retro benefits on 7/27/07 through an authorized representative.
2. The Department mailed out verification requests and notice of an interview to Claimant only.

3. Claimant's representative indicated that he never received notice of the case closure.
4. The Department closed the Claimant's case on 11/7/07.
5. At the hearing, the Department agreed to reopen and reprocess the Claimant's MA case as of the date of application, 7/27/09, including retro MA benefits to 4/07.
6. As a result of this agreement, Claimant AR indicated that he no longer wished to proceed with 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).

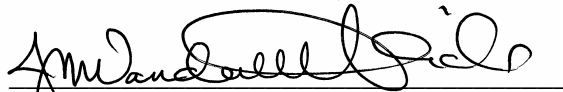
Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the department has agreed to reopen and reprocess Claimant's MA case as of 7/27/07, the date of application, including MA retro benefits from April, 2007. As a result of this agreement, Claimant's AR indicated he no longer wished to proceed with the

hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Claimant's hearing request was timely and that the Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the department reopen and reprocess Claimant's MA case from 7/27/07 including retro MA benefits to April, 2007.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/09/09

Date Mailed: 09/11/09

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 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.

JV/dj

cc:

