

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 201010270
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 10, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 3-way telephone hearing was held on Thursday, June 10, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED] from [REDACTED].

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application based upon the fact that neither the claimant nor her authorized representative provided the required verification?

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 February 25, 2009, [REDACTED] applied for MA for the claimant, but the application could not be located at the department's office on Saginaw St. for the North District where the application was processed.
2. Subsequently, the department agreed to reevaluate MA eligibility for the claimant using the February 25, 2009 application with retroactive benefits to January 2009.
3. On September 29, 2009, the department received a hearing request from the claimant and the claimant's authorized representative, contesting the department's action.

4. The parties have reached an agreed upon settlement. The department agrees to reprocess the claimant's February 24, 2009 MA application with retroactive benefits to November 2008. [REDACTED] agrees to fax a copy of the completed 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 (DHS or department) 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 parties have reached an agreed upon settlement. The department agrees to settle the dispute and reprocess the claimant's February 24, 2009 MA application with retroactive benefits to November 2008. [REDACTED] agrees to fax a copy of the completed application. If the claimant or her authorized representative does not agree with the determination, they may file another request for hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to reprocess the claimant's February 25, 2009 application with retroactive benefits to November 2008 and [REDACTED] agrees to fax a copy of the completed application, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 27, 2010

Date Mailed: July 27, 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 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.

CGF/vc

cc:

