STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ██████████ ,

         Claimant

Reg. No: 2010-12178
Issue No: 2006
Case No: ████████
Load No: ████████
Hearing Date:
March 2, 2010
Clare 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 claimant's request for a hearing. After due notice, a three-way telephone hearing was held on Tuesday, March 2, 2010. The claimant was not present, but was represented by his authorized representative, ████████████████████████

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P) based upon the fact that neither the claimant nor his authorized representative provided the required verification to determine program eligibility?

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 10, 2009, the department received an application from ██████ ██████████ on behalf of the claimant. (Department Exhibit 4-11)

(2)   On February 12, 2009, the department caseworker sent the claimant a Verification

Checklist, DHS-3503, for the claimant to provide additional information to determine program

eligibility. (Department Exhibit 2)

(3)   On March 2, 2009, the department caseworker sent the claimant a denial notice

stating that MA-P was denied for failure to provide verification. (Department Exhibit 3)

(4)   On August 18, 2009, the department caseworker received a letter from ███

███████. requesting the status of the application.

(5)   On August 24, 2009, the department caseworker faxed the claimant's authorized

representative a copy of the denial letter.

(6)   On October 5, 2009, the department received a hearing request, contesting the

department's negative action.

(7)   The parties have reached an agreed upon settlement to resolve the dispute. The

department agrees to reprocess the claimant's February 10, 2009 application with retroactive

benefits to December 2008.

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 to resolve the

dispute. The department agrees to reprocess the claimant's February 10, 2009 application with

retroactive benefits to December 2008. If the claimant does not agree with the determination, he may file another request for a 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 reinstate the claimant's February 10, 2009 application with retroactive MA-P to December 2008 and initiate an eligibility determination, if it has not already done so.

/s/_____

Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _April 23, 2010_____

Date Mailed: _April 23, 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/vmc

cc: