

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

IN THE MATTER OF:



Reg. No: 201029453

Issue No: 2005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 13, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on October 13, 2010.

ISSUE

Did the Department properly deny claimant's Medicaid 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) Claimant applied for MA in 2007.
- (2) This application, after a round of administrative hearings, was denied in October 2009, for a failure to return identification.
- (3) Claimant requested a hearing on January 6, 2010.
- (4) On March 1, 2010, L-Letter 10-027 went into effect, requiring any application for MA that was denied due to lack of documentation for citizenship or ID to be processed.

(5) Claimant was represented by [REDACTED].

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

Claimant's application was denied for failing to return verifications of citizenship or ID. On March 1, 2010, L-Letter 10-027 was issued. This L-Letter updated policy to require that Medicaid be opened for individuals claiming US citizenship, and that an application for MA could not be denied for a failure to verify citizenship or ID. This L-Letter also stated that "any administrative hearings that are pending due to lack of documentation for citizenship or ID should be reviewed to determine if the client claimed to be a US citizen; and if so, the case should have this new policy applied".

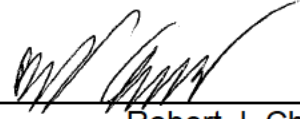
Claimant claimed to be a US citizen on the application. Therefore, the Department must process claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department must process claimant's application in light of L-Letter 10-027.

The Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process claimant's MA application retroactive to the date of application.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/21/10

Date Mailed: 10/26/10

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.

RJC/dj

cc:

