

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. 201030340
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: August 24, 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 Tuesday, August 24, 2010. The claimant personally appeared and testified with his wife [REDACTED] and authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P) for failure to provide required verification?

FINDINGS OF FACT

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

1. An Administrative Law Judge ordered that the department reinstate and reprocess claimant's MA application of July 16, 2008 with retroactive benefits to April 2008.
2. On January 29, 2010, the claimant filed a request for hearing,
3. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to consider the claimant for Group II Caretaker Relative for the uncovered and contested time period of April 2008 through June 2008 where verification is not required because the department has all the verification needed in the file.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to consider the claimant for Group II Caretaker Relative for the uncovered and contested time period of April 2008 through June 2008 where verification is not required because the department has all the verification needed in the file. 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 settlement.

The department is **ORDERED** to reprocess the claimant's July 23, 2008 application with retroactive benefits to April 2008 under Group II Caretaker Relative for the contested time periods of April 2008 and June 2008, if it has not already done so.

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

Date Signed: September 28, 2010

Date Mailed: September 28, 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.

201030340/CGF

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:

