

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201035887
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 11, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 telephone hearing was held on October 11, 2010. The claimant appeared and testified. The Claimant was represented by his Authorized Representative (AR), [REDACTED]

ISSUE

Did the Department properly deny the claimant's Medical Assistance (MA) and retroactive Medical Assistance?

FINDINGS OF FACT

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

1. On July 10, 2009, the claimant applied for MA, and retroactive MA.
2. On August 19, 2009, the department sent the claimant a verification checklist, due August 29, 2009 requesting various information.
3. On September 29 2009, the claimant passed away.
4. On November 25, 2009, the department denied the applications.
5. On February 16, 2010, the Wayne County Probate Court designated a personal representative.
6. On February 22, 2010, the claimant's AR filed a request for a hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

MA Only

The Michigan Department of Community Health (MDCH) Program Eligibility Policy Section will evaluate applicants and current Medicaid recipients who are unable to provide documentation of citizenship and identity on a case by case basis.

MDCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by DHS which include but are not limited to state to state written and/or verbal inquiries, interviews with friends and relatives and the use of computerized records.

If you are unable to verify citizenship or identity for an applicant or recipient send a written request to:

Michigan Department of Community Health
Eligibility Policy Section
P.O. Box 30479
Lansing, MI 48909 (Pam 130, p. 3).

In the instant case, the department did not assist the claimant in the attempt to resolve the citizenship issue. This ALJ finds that the department was in violation of the above policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reregister the claimant's MA and retroactive MA applications back to the original application date of July 10, 2009.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/19/2010

Date Mailed: 10/19/2010

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.

MJB/jlg

cc:

