

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.: 201041333
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 November 8, 2010. The Claimant did not appear. The Claimant's representative [REDACTED], of [REDACTED], appeared on behalf of the Claimant and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Did the Department fail to provide notice of the Notice of Case Action denying the Claimant's application for Medical Assistance Disability (MA – D) to the Claimant's representative L & S Associates, Inc.?

FINDINGS OF FACT

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

- (1) [REDACTED] applied for MA Disability on the Claimant's behalf on September 26, 2009.
- (2) On March 10, 2010, the MA Disability application was denied by the Medical Review Team (MRT).
- (3) On March 15, 2010, the Department denied the claimant's MA Disability application by Notice of Case Action.
- (4) [REDACTED] did not receive the Notice of Case Action dated March 15, 2010 which denied claimant's application. The Notice of Case

Action was sent to the claimant in the last address of record and was returned to the Department as undeliverable. Exhibit 1

- (5) The department did not know and was unable to verify whether it sent the March 15, 2010 Notice of Case Action was sent [REDACTED].
- (6) At the hearing, the department agreed to provide a copy of the March 15, 2010 notice of case action [REDACTED]. Based upon this agreement the claimant's authorized representative indicated that he no longer wished to proceed with the 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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to provide notice to [REDACTED] of the Notice of Case Action dated March 15, 2010 which denied the claimant's application for medical disability assistance.

Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Therefore it is ORDERED:

201041333/LMF

The Department shall provide a copy of the Notice of Case Action dated March 15, 2010 to the claimant's representative [REDACTED], which denied the claimant's application for MA Disability.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/2010

Date Mailed: 11/10/2010

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.

LMF/jlg

cc:

