

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:



Reg. No.: 201041410
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
Wayne County DHS (82)

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 4, 2010. The claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's SDA due to failure to return the requested verification of medical records by the due date but before the case closed?

FINDINGS OF FACT

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

1. The Claimant applied for SDA on January 19, 2010.
2. The claimant responded to a request for verification and the medical information provided was forwarded to the Medical Review Team by the department.
3. The medical review team requested additional information be submitted and a verification checklist was sent to the claimant on May 17, 2010 with the due date of May 27, 2010.
4. During the period the verification was pending it was discovered the claimant's release of information had expired and the department was advised that the hospital could no longer release records.

5. The claimant provided the hospital a new release of information and the documents were submitted by the hospital on June 7, 2010.
6. The department sent a notice of case action dated June 7, 2010 which denied the claimant's application for SDA for failure to provide the requested verifications.
7. The claimant did not receive the Notice of Case Action which denied her application.
8. After the claimant's application was denied on June 7, 2010, the department resubmitted the medical information it had received on the claimant's behalf to the medical review team even though it had been returned to the department not by the due date.
9. On July 30, 2010 the medical review team found the claimant not to be disabled.
10. No notice of case action was sent to the claimant advising her that the medical review team had found her not disabled.
11. The claimant had no knowledge at the hearing that the Medical Review Team had found her not medically disabled.
12. At the hearing the department agreed to reopen and reinstate the claimant's application retroactive to June 7, 2010 and to provide the claimant a notice of case action advising her that the Medical Review Team had found her medically disabled and to make a determination with regard to the claimant's eligibility based on the medical review team's determination.
13. Based upon the agreement of the parties the claimant indicated that she 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).

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R400.3151-400.3180. Department policies are found in the Bridges Manual (BM) and Bridges Eligibility Manual (BEM) and the Bridges 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 Department has agreed to reopen and reinstate the Claimant's SDA application retroactive to June 7, 2010, the application denial date, and to properly issue a notice of case action giving the claimant notice and advising her of the Medical Review Team findings which found her not to be medically disabled and to make a determination of the claimant's eligibility with regard to her application for SDA in light of the Medical Review Team decision. This will allow the claimant the opportunity to file a request for a hearing regarding the Medical Review Team's determination.

As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. 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.

Accordingly it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's application for SDA retroactive to June 7, 2010, the application denial date, and shall issue a notice of case action so that the claimant will have the required notice advising her of the Medical Review Team findings which found her not to be medically disabled.

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2. Based upon the Medical Review Team findings, the department shall make a determination with regard to the claimant's application and her eligibility for SDA. The Department will provide the Claimant a Notice of Case Action or Eligibility Notice regarding the Claimant's Application for SDA,



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

Date Signed: 11/09/2010

Date Mailed: 11/09/2010

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.

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