

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. 201053153  
Issue No. 2006  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: October 5, 2010  
Macomb 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 telephone hearing was held on Tuesday, October 5, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED]

**ISSUE**

Did the department properly deny the claimant's MA application for failure to provide required verification to determine program eligibility?

**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 December 9, 2008 [REDACTED], filed an application for the claimant with retroactive benefits to September 2008. The application was denied on March 19, 2009 for failure to provide required verification.
2. On February 16, 2010, the department received a hearing request, contesting the department's negative action.
3. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's December 9, 2008 MA application with retroactive benefits to

September 2008 by faxing [REDACTED]. a verification of assets checklist to be returned within 10 days.

### **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 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 reprocess the claimant's December 9, 2008 MA application with retroactive benefits to September 2008 by faxing [REDACTED]. a verification of assets checklist to be returned within 10 days. If the claimant does not agree with the determination, she 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 upon settlement.

Accordingly, the department's **ORDERED** to reinstate the claimant's December 9, 2008 application and the application with retroactive benefits to September 2008 by faxing a Verification of Assets Checklist for [REDACTED] to complete within 10 days, if it has not already done so.

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

Date Signed: November 22, 2010

Date Mailed: November 22, 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.

201053153/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:

