

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No.: 2010-7156
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 29, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 29, 2010. The Claimant was represented by his Authorized Representative (AR) [REDACTED].

ISSUE

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

FINDINGS OF FACT

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

1. On April 28, 2009, the claimant through his AR applied for MA and retroactive MA.
2. On May 11, 2009, and on June 24, 2009, the department sent verification checklists to the claimant.

3. On July 7, 2009, the department denied the claimant's applications for MA and retroactive MA.
4. On September 8, 2009, the Claimant, through his AR, filed a request for a hearing.

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 (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 instant case, the department sent two verification checklists to the claimant and produced evidence that the first was sent by facsimile but was unable to provide the same evidence for the second facsimile.

The claimant's AR testified that it had received the first verification checklist and responded to it in timely fashion after requesting one extension of time. The claimant's AR also testified that it had not received the second facsimile.

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (PAM 110, p.7).

This ALJ finds that the department did not send the second verification checklist as shown by its inability to produce evidence that it had been sent as it had for the first checklist.

In the instant case, the department failed to send the second verification checklist to the claimant's AR. Therefore, the Department effectively, sent no verification request.

DECISION AND ORDER

The Administrative Law Judge based on 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 April 28, 2009.



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

Date Signed: 6/3/2010

Date Mailed: 6/3/2010

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 receipt 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:

