

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.: 2010 8012
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 23, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael 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 June 23, 2010. The claimant appeared and testified.

ISSUE

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

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 October 23, 2008, the claimant filed an application MA and SDA.
2. On or about September 21, 2009, the department provided the claimant with a Medical Examination Report (MER) with a due date of September 30, 2009.
3. On September 20, 2009, the claimant 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the claimant was approved for SDA and applied for MA.

The claimant contacted the department and informed it that he would be unable to meet the deadline for the MER. The department extended the deadline once and then denied the claimant's MA for lack of verification.

Helping Clients

All Programs

The local office must assist clients who need and request help to complete the application form. See [PAM 105](#). (PAM 115, p.1).

In the instant case the department failed to assist this client in a manner that would have allowed him to complete the filing of the requested information.

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 October 23, 2008, MA application.



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

2010 8012/MJB

Date Signed: 6/30/2010

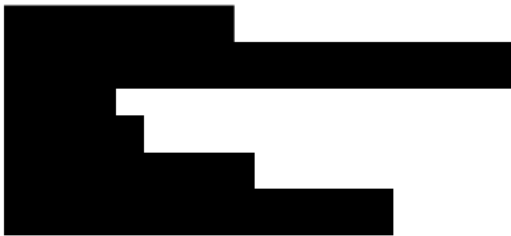
Date Mailed: 6/30/2010

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

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