

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.: 2010-9920
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 6, 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 May 6, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (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 June 29, 2009, the Department sent the claimant a verification checklist and application as part of its redetermination.
2. On July 31, 2009, the department closed the claimant's MA for not returning the documentation needed for redetermination.
3. On September 14, 2009, the Claimant 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).

At the hearing the department testified that it had not received the documentation needed for redetermination. The claimant's statements were that while the documents were sent to the department, they were returned undelivered from the postal service.

SDA, CDC, MA (except HK1, OHK) TMAP and FAP

A complete redetermination is required at least every 12 months.
More frequent reviews are necessary for: (Pam 210, p.2).

In the instant case, the department cannot be expected to act on information not in its possession. In addition, the claimant was not able to document the return of the mail that was sent in a timely fashion to the department.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



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

2010-9920/MJB

Date Signed: 6/8/2010

Date Mailed: 6/8/2010

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

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