

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. 201011095
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: May 27, 2010
Genesee 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 Thursday, May 27, 2010. The claimant was not present, but represented by his authorized representative, [REDACTED], [REDACTED].

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application based upon the fact that the claimant or his authorized representative did not provide the required verification?

FINDINGS OF FACT

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

1. On July 30, 2008, the department received an incomplete application where the request was not signed by the claimant nor was there any accompanying authorization to represent the claimant submitted by [REDACTED] (Department Exhibit 2-30)
2. On September 4, 2008, a new completed application was received by the department that was not signed by the claimant and no authorization to represent was received.

3. On September 14, 2008, the claimant was sent a Verification Checklist, DHS-3503, to be returned by September 24, 2008. On September 25, 2008, the claimant's application was denied for failure to provide verification.
4. On September 25, 2008, the claimant was sent a denial notice, which was not sent to [REDACTED] because there was no authorization to represent the claimant.
5. On November 12, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
6. During the hearing, the department stated that on April 20, 2009 that the claimant signed an authorization to represent, but the department did not receive it until November 16, 2009.
7. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's July 30, 2008 application with retroactive MA to April 2008 and determine eligibility for MA. However, if additional information is required, the department will send a Verification Checklist, DHS-3503, to [REDACTED] and the claimant with the required timeframe to provide the information.

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 present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's July 30, 2008 application with retroactive MA to April 2008 and determine eligibility for MA. However, if additional information is required, the department will send a Verification Checklist, DHS-3503, to [REDACTED] and the claimant with the required timeframe to provide the information. If the claimant does not agree with the determination, he 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.

The department is **ORDERED** to reprocess the claimant's July 30, 2008 application with retroactive MA to April 2008 and initiate an eligibility determination for MA, if it has not already done so.

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

Date Signed: July 13, 2010

Date Mailed: July 13, 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.

CGF/vc

cc:

