

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:

[REDACTED]

Reg. No.: 201029492
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 23, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Michael J. 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 September 23, 2010. The claimant appeared and testified. The Claimant was represented by his Authorized Representative (AR), [REDACTED]

ISSUE

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

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 August 27, 2009, the claimant applied for MA and retroactive MA.
- 2) On October 14, 2009, the department sent the claimant a verification checklist, due October 29, 2009, requesting various information. (Department exhibit 3).
- 3) On November 12, 2009, the department denied the applications for failure to provide verifications. (Department exhibit 1).
- 4) On February 4, 2010, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, on October 28, 2009 and November 6, 2009, the claimant's AR requested extensions and assistance.

Obtaining Verification

All Programs

...The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, pp. 2-3)

In the instant case, the claimant attempted to comply with the request for information. The department did not attempt to assist the claimant.

This ALJ finds the evidence of the request for assistance and extensions to be controlling in this case. The department did not assist the claimant contrary to the policy cited above. Therefore, the department was in error if it denied the claimant's MA and retroactive MA.

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 MA and retroactive MA applications back to the original application date of August 27, 2009.



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

Date Signed: 10/05/2010

Date Mailed: 10/05/2010

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

cc:

