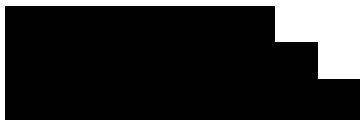


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010 34000
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 9, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 9, 2010. The claimant appeared and testified.

ISSUE

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

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 September 10, 2009 an application for MA was submitted to the Department.
2. On November 25, 2009 application was denied for failure to attend medical appointments.
3. On December 17, 2009 the Claimant requested 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 present case the Department denied an application submitted for MA on September 10, 2009 for failure to attend medical appointments. The Claimant testified she never received any appointments from the Department. The Department was unable to present a copy of the notices purportedly sent to the Claimant and/or her representative. The Claimant's testimony was found credible regarding her assertion she never received a notice to attend any medical appointments.

Since the Department was unable to present any evidence to support the assertion that medical appointments were not only sent to the Claimant but also to her representative the denial of her application cannot be supported.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it denied the Claimant's application dated September 10, 2009.

Accordingly, the Department's decision in this regard be and is hereby REVERSED, the Department shall initiate a review of the September 10, 2009 application and determine eligibility.



Jonathan W. Owens
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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.

JO/CJP

cc:

