

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.: 2010-35426
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 14, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on January 4, 2010. After due notice, a hearing was held in Detroit, Michigan on Monday, June 14, 2010. The Claimant did not appear. The Claimant's authorized hearing representative, [REDACTED] of [REDACTED], appeared on his behalf. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with Department policy when processing the Claimant's Medical Assistance ("MA) application dated June 25, 2009?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA benefits on June 25, 2009.

2. The authorized representative denied receipt of the verification checklist or notice of case disposition.
3. The Department forwarded the medical packet to the Medical Review Team (“MRT”) for a determination.
4. On January 4, 2010, the Department received the Claimant’s written request for hearing.
5. In June 2010, the MRT deferred the disability determination requesting consultative examinations.
6. During the hearing, the Department agreed to schedule/process the Medical portion of Claimant’s case.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services (“DHS”), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

In this case, the Claimant’s case was transferred from one local office to another. As a result, the medical records were not forwarded to the MRT for consideration. Subsequently, the Department forwarded the case to the MRT which resulted in a deferral requesting consultative examinations. The Department agreed to schedule the examinations and continue processing the case in accordance with department policy. In light of the accord, there is no additional issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall, as agreed, schedule the consultative examinations as requested by the MRT.
3. The Department shall continue to process the Claimant's MA case in accordance with policy and notify the Claimant/authorized representative of the determination.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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.

CMM/jlg

cc:

