

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. 201038335
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 4, 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 three-way telephone hearing was held on Thursday, November 4, 2010. The claimant was not present, but was represented by his authorized representative, [REDACTED], from [REDACTED].

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P) because the claimant did not attend his required medical appointment?

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 July 29, 2009, the claimant applied for MA-P with retroactive MA-P to April 2009.
2. On May 18, 2010, the department caseworker sent the claimant a denial notice because he missed his scheduled medical appointment as a result of his Medical Review Team (MRT) referral.
3. During the hearing, the authorized representative from [REDACTED], [REDACTED] stated that [REDACTED] didn't receive a copy of the medical appointment to assist the claimant in attending nor did they receive a copy of the denial letter.

4. During the hearing, the department caseworker could not a copy of the verification checklist, doctor's appointment, or denial letter in the file.
5. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's July 29, 2009 application with retroactive benefits to April 2009 and reschedule the doctor's appointment with a copy to [REDACTED]. because in the previous processing of the application no copies were sent to [REDACTED]. as is required by policy.

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 (DHS or department) 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 29, 2009 application with retroactive benefits to April 2009 and reschedule the doctor's appointment with a copy to [REDACTED] because in the previous processing of the application no copies were sent to [REDACTED] as is required by policy. 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.

Accordingly, the department is **ORDERED** to reprocess the claimant's July 29, 2009 MA-P application with retroactive benefits to April 2009 and reschedule the claimant's doctor's appointment with a copy to [REDACTED] if it has not already done so.

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

Date Signed: November 12, 2010

Date Mailed: November 12, 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:

A large black rectangular redaction box covers the names and contact information of the individuals listed in the 'cc:' field.