

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: 2010-6012

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 13, 2010

Barry 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 claimant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, January 13, 2009. The claimant was not present, but was represented by her authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P) as a result of the claimant's and/or authorized representative's failure to provide the required verifications?

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 October 30, 2008, the claimant applied for MA-P with retroactive MA-P to July 2008.

(2) On December 4, 2009, [REDACTED]. faxed a statement of account at [REDACTED], but the statement was for total charges and not daily charges.

(3) On subsequent occasions, the department caseworker contacted [REDACTED] direct instead of [REDACTED] to get the daily charges on the claimant's behalf, but the information was never received.

(4) On March 20, 2009, [REDACTED]. faxed [REDACTED] balance statements for January 2009 and February 2009.

(5) Subsequently, the claimant was sent a verification checklist requesting verification of income that was due April 2, 2009.

(6) On April 3, 2009, the department caseworker sent the claimant a denial notice because the required income information was not provided.

(7) On June 9, 2009, [REDACTED]. faxed [REDACTED] statements dated November 2008, January 2009, and February 2009, which was not subsequently processed by the department caseworker because it was not within the three month retro period.

(8) During a case review, the department's case reader discovered that the department had been previously provided insufficient information to process and determined that the department would go back to September 2008, which resulted in a Bridges help desk ticket being issued since the time period was over the 12 month time period and the local office cannot put that coverage on the system.

(9) On August 31, 2009, the department received a hearing request from [REDACTED] [REDACTED]. on the claimant's behalf, contesting the department's negative action.

(10) During the hearing, [REDACTED] stated that the three months in contention were September 2008, December 2008, and January 2009 because the retro application dated October 30, 2008 would cover July 2008, August 2008, and September 2008.

(11) During the hearing, the department stated that a Bridges ticket was submitted to approve the September 2008 and that they are waiting for the 12 month extension division to put on coverage.

(12) During the hearing, the department stated that the December 2008 income verifications were not received, but were requested on September 13, 2009 and was not received until October 28, 2009.

(13) During the hearing, the department stated that they never received the income verification for January 2009 where the claimant was sent a denial on October 3, 2009.

(14) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to give [REDACTED] the opportunity to submit the income verification for January 2009 through a verification checklist with 10 days to provide the additional information. The claimant's authorized representative agreed to provide the information within the required 10 days of receiving the verification checklist.

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 give [REDACTED] the opportunity to submit the income verification for January 2009 through a verification checklist with 10 days to provide the additional information. The claimant's authorized representative agreed to provide the information within the required 10 days of receiving the verification checklist. If the claimant does not agree with the determination, she 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 redetermine the claimant's eligibility for MA benefits based on the claimant's October 30, 2008 application.

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

Date Signed: February 18, 2010

Date Mailed: February 18, 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.

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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/vmc

cc:

