

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: 2010-6016
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2010
Calhoun 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 three-way telephone hearing was held on Tuesday, April 27, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED].

ISSUE

Did the department correctly withdraw the claimant's Medical Assistance (MA-P) application based on the claimant's authorized representative's request to withdraw?

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 February 24, 2009, [REDACTED] applied for MA-P and retroactive MA-P for November 2008 on behalf of the claimant.

(2) On March 13, 2009, a Verification Checklist was sent to [REDACTED] with a due date of March 23, 2009 for purposes of verification of disability. (Department Exhibit 1-2)

(3) A second Verification Checklist was sent on April 9, 2009 with a due date of April 20, 2009, but the department still received no medical records for verification with no request for an extension.

(4) On May 27, 2009, the claimant called and requested the application for MA-P be withdrawn due to the fact that the disability application was also pending her Food Assistance Program (FAP). (Department Exhibit 5)

(5) On June 4, 2009, the department caseworker entered disability as “not verified” and sent a copy to [REDACTED]. that medical records needed to determine eligibility were not received and no extension was requested. (Department Exhibit 4)

(6) On September 1, 2009, the department received a hearing request from the claimant’s authorized representative, contesting the department’s negative action.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to redetermine eligibility for the claimant’s February 24, 2009 application with retroactive MA-P to November 2008 by sending a Verification Checklist on April 27, 2010 that would be due May 7, 2010.

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 redetermine eligibility for the claimant's February 24, 2009 application with retroactive MA-P to November 2008 by sending a Verification Checklist on April 27, 2010 that would be due May 7, 2010. 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 reprocess the claimant's February 24, 2009 application for MA-P with retroactive MA-P to November 2008, if it has not already done so.

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

Date Signed: June 9, 2010

Date Mailed: June 9, 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:

