

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: 2010-7162
Issue No: 2015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Livingston 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 Thursday, May 6, 2010. The claimant personally appeared and testified on her own behalf with her authorized representative, [REDACTED]

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 as material fact:

(1) On April 14, 2009, the claimant applied for MA and was approved for the Adult Medical Program (AMP). The department caseworker stated that they did not have an application that was submitted by IMN, Inc. dated May 29, 2009 that was filed in Oakland County and was not received in Livingston County.

(2) On September 9, 2009, the claimant's authorized representative filed a hearing request, contesting the department's MRT denial when the claimant applied for Caretaker Relative.

(3) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's April 14, 2009 application for MA-N, Caretaker Relative. The claimant and the authorized representative agree to provide the verification that the claimant has custody of her minor son that is 17 years old and in high school through a birth certificate and a statement from school that the claimant's son is her custody or registered from her address within 10 days.

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 April 14, 2009 application for MA-N, Caretaker Relative. The claimant and the authorized representative agree to provide the verification that the claimant has custody of her minor son that is 17 years old and in high school through a birth certificate and a statement from school that the claimant's son is her custody or registered from her address within 10 days. If the claimant does 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 for MA-N, Caretaker Relative benefits, once the claimant and her authorized representative provide the required verification that the claimant has custody of her 17 year-old minor son that is still in high school through a birth certificate and a statement from the school that the claimant's son is in her custody or registered from her address within 10 days, 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 18, 2010

Date Mailed: June 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.

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:

[REDACTED]