

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

██████████
██████████ ET

Reg. No.: 20108935
Issue No.: 2006
Case No.: ██████████
Load No.: ██████████
Hearing Date: September 7, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was held on September 7, 2010. The Claimant was present and testified through her representative, ██████████ of ██████████. ██████████ Assitant Payments Worker 11, and ██████████, Supervisor appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assrstance (MA) application for failure to complete verifications even though an extention had been requested on behalf of the Claimant before the due date?

FINDINGS OF FACT

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

1. The Claimaint applied for Medical Assistance on April 28, 2009. The application was denied by the Department on June 24, 2009 for failure to return the requested verifications with regard to income.
2. The Claimant's authorized representative requested an extentionon July 22, 2009, via facsimile to the Department. The Claimant's authorized representative provided proof of the fax transmission of its request for an extension dated July 22, 2009.
3. The request for an extension was contained in the department's submission of the hearing packet. Prior to the denial of the application the

authorized representative had provided the department verifications of non financial information on July 1, 2009.

4. At the hearing the department agreed that an extension had been timely requested and the department prematurely dismissed the claimant's application for medical assistance. The department further agreed to reinstate and re register the medical application retroactive to the date of the application April 28, 2009. As a result of this agreement the claimant's authorized representative agreed that it no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reinstate the Claimant's application for medical assistance retroactive to the application date of April 28, 2009. The department further agreed to issue supplement for medical assistance to the claimant if after review of the application the claimant is deemed otherwise eligible to receive benefits.

As a result of this agreement, the claimant's authorized representative indicated that they no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

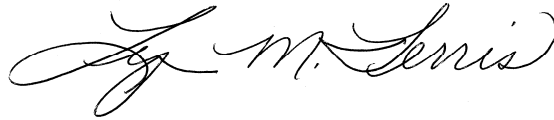
DECISION AND ORDER

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The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reregister the claimant's application for medical assistance retroactive to April 28, 2009, the date of application.
2. The Department shall complete its review of the application and request any outstanding verification information it is entitled to receive, and if the Department finds that claimant is otherwise eligible to receive medical assistance the department shall supplement the claimant for any medical benefits the claimant was otherwise entitled to receive.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/15/2010

Date Mailed: 9/15/2010

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.

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