

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.: 2011 10733
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 17, 2011
Office: Macomb County DHS(20)

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 February 17, 2011. The claimant's authorized Representative [REDACTED] appeared and testified. Sandra Kincaid, ES appeared on behalf of the Department.

ISSUE

Whether the Department closed the Claimant's Medical Assistance case for failure to respond to the verification checklist in a timely manner. .

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance disability and also filed a retroactive application on January, 21, 2010. The application was denied by Notice of Case Action on July 13, 2010, due to the failure of the Claimant's authorized representative to respond to a verification checklist by the due date.
Exhibit 1
2. The Claimant's authorized representative did submit additional medical information on July 14, 2010, which was the extended due date for responding to the requested verifications.

3. The Department accidentally closed the case as the information crossed in the system.
4. At the hearing, the Department agreed to reinstate the claimant's application for Medical Assistance of January 21, 2010, retroactive to the date of closure, July 13, 2010. The Department also agreed to submit the additional medical information submitted by the authorized representative, on July 14, 2010, to the Medical Review Team.
5. Based upon the Department's agreement to re reopen and reinstate the application as of July 13, 2010 and submit the medical information provided by the authorized representative on July 14, 2010, the Claimant's representative indicated that she no longer wished to proceed with the hearing and the parties agreed to settle the matter.

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.

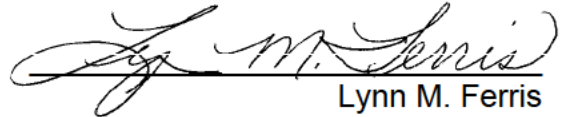
In the present case, the Department has agreed to retroactively reinstate the Claimant's application for Medical Assistance Disability and the retroactive application. The Department also agreed submit to the Medical Review team the additional medical information submitted to the Department by the Claimant's authorized representative on July 14, 2010. As a result of these agreements, Claimant's representative indicated she 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

The Administrative Law Judge, based upon the 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 retroactively reinstate the Claimant's January 21, 2010 application and retro application (October 2009) for Medical Assistance – Disability as of the date of case closure, July 13, 2010.
2. The Department shall submit the medical information received on July 14, 2010 from the Claimant's authorized representative to the Medical Review Team.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 02/28/11

Date Mailed: 03/01/11

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.

LMF/dj

cc:

