

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:



Reg. No.: 201113797
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 16, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 16, 2011. The claimant was represented by her attorney [REDACTED], [REDACTED], appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On October 31, 2010, the department closed the claimant's MA for lack of verification.
2. On November 1, 2010, the claimant requested a hearing.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.

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Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the claimant's attorney provided the department with documentation in response to its requests as listed on verification checklist.

Discrepancies

All TOA

Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. (BAM 130, p.6).

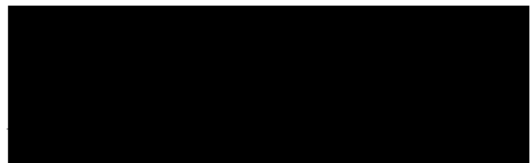
In the instant case, the department failed to attempt to resolve the discrepancies it felt existed. The claimant supplied detailed information prior to the department's closure of the claimant's MA.

At the hearing, the department testified that it found the verifications supplied by the claimant's attorney as being "difficult to follow." However, the department made no attempt to contact the claimant's attorney for clarification.

This ALJ finds that the department made no attempt to clarify the verifications supplied by the claimant before the closure of the claimant's MA, in violation of the above policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reopen the claimant's MA back to the date of closure November 29, 2010.



Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 25, 2011

Date Mailed: May 25, 2011

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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.

MJB/hw

cc:

[REDACTED]

Wayne County DHS (82)/ 1843

[REDACTED]

Administrative Hearings (2)