

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: [REDACTED]
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 7, 2011
Macomb 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 March 7, 2011. The Claimant was represented by his Authorized Representative [REDACTED].

ISSUE

Did the Department properly deny 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 August 12, 2010, the Claimant filed an application for MA.
2. On September 24, 2010, the Department denied the Claimant's MA for lack of verification.
3. On December 7, 2010, the Claimant's AR 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)

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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 instant case, the Department did not participate in the hearing after repeated attempts to secure their representation.

There is no evidence that the Department sent the Claimant's AR the medical verification checklist. The Department's hearing summary states that it sent the notice of the denial to both the Claimant and to the Claimant's AR but there is no documentation of that either.

AUTHORIZED REPRESENTATIVES


All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (BAM 110, p.7).

In the instant case, the Department failed to show evidence that it notified the Claimant's AR either by sending it the medical verification checklist or the notice of the denial, therefore there effectively was no notice or valid checklist request.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to reregister the Claimant's August 12, 2010 MA application.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 28, 2011

Date Mailed: April 28, 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.

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cc:

