

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:

[REDACTED]

Reg. No.: 2011-3681
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 10, 2011
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 10, 2011. The Claimant was represented by his Authorized Representative (AR), [REDACTED].

ISSUE

Whether the Department was correct in processing the claimant's Medical Assistance (MA) with retroactive MA?

FINDINGS OF FACT

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

1. On June 9, 2010, the Claimant filed an application for MA and retroactive MA.
2. On June 22, 2010, the department denied the claimant's MA and retroactive MA applications for lack of verification.
3. On July 11, 2010, L&S filed the authority to represent the claimant.
4. Subsequently the department issued another verification checklist.
5. On September 20, 2010, the claimant's AR filed a request for a hearing.

CONCLUSIONS OF LAW

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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).

In this case, the department did not attend the hearing. The Hearing was scheduled for 9:30 am and the hearing began after 10:00 am without the department in attendance.

The claimant's AR testified that the department may have sent out a verification checklist after it had taken a negative action.

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 June 9, 2010, MA and retroactive MA applications.



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

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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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