

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No: 201261043
Issue No: 2006
Case No: [REDACTED]
Hearing Date: August 22, 2012
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 22, 2012. Claimant did not appear but as represented by his authorized hearing representative [REDACTED]

ISSUE

Did the Department of Human Services properly deny Claimant's August 10, 2011 application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On August 10, 2011, an application for Medical Assistance (MA) was submitted on behalf of Claimant by his authorized representative IMN.
2. On March 26, 2012, a Verification Checklist (DHS Form 3503) was sent to Claimant requesting income and asset information for July and August 2011. The Department did not send a copy of the Verification Checklist (DHS Form 3503) to IMN.
3. On April 13, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated he was denied Medical Assistance (MA) from March 1, 2012 for failure to verify necessary information. The Department did not send a copy of the Notice of Case Action (DHS-1605) to [REDACTED].
4. On June 22, 2012, Claimant's authorized representative, [REDACTED], submitted a request for 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 (DHS or department) 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 it is undisputed that Claimant had an authorized representative, nor is it disputed that the representative was not sent the Verification Checklist (DHS Form 3503) or Notice of Case Action (DHS-1605). A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing both Claimant and the Department were informed of the decision and the reasoning behind the decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's August 10, 2011 application for Medical Assistance (MA).

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's August 10, 2011 application for Medical Assistance (MA) be reinstated and processed in accordance with Department policy.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 30, 2012

Date Mailed: August 31, 2012

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.

201261043/GFH

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.

GFH/tb

cc:

