

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.: 201318738
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 7, 2013
County: Wayne 17

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 May 7, 2013. Claimant was represented by her authorized hearing representative [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's April 19, 2012 Medical Assistance (MA) application for failure to provide required medical information?

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 April 19, 2012, [REDACTED] submitted an application for Medical Assistance (MA) on behalf of Claimant.
- (2) On May 11, 2012 the Medical Review Team deferred a decision in order to obtain additional medical information.
- (3) On May 16, 2012, the Department sent a Medical Determination Verification Checklist (DHS-3503-MRT) to Claimant requesting hospital records. Claimant's authorized representative; [REDACTED] was not sent the Medical Determination Verification Checklist (DHS-3503-MRT). The requested records were due on May 29, 2012.
- (4) On July 11, 2012, the Department denied Claimant's application for failure to provide requested medical information.
- (5) On August 29, 2012, [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 the Department did not send a copy of the Medical Determination Verification Checklist (DHS-3503-MRT) to Claimant's authorized representative. Failure to send all notices and documentation to an authorized representative is a violation of Department policy. The facts in this case show that Claimant's April 19, 2012 Medical Assistance (MA) application was not processed properly.

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 April 19, 2012 Medical Assistance (MA) application for failure to provide required medical information.

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

It is further ORDERED that the Department reinstate Claimant's April 19, 2012 Medical Assistance (MA) application and process the application in accordance with Department policy.

/s/

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

Date Signed: 5/28/13

Date Mailed: 5/29/13

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.

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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:

