

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.: 201325380
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Genesee

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 June 26, 2013. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services provide proper notice of the denial of Claimant's November 22, 2011 Medical Assistance (MA) application?

FINDINGS OF FACT

1. The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:
2. On November 22, 2011, [REDACTED] submitted a Medical Assistance (MA) application on behalf of Claimant.
3. On February 11, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated his application was denied. There is no evidence in the record to show that Claimant's authorized representative, [REDACTED], was sent notice of the denial.
4. On January 9, 2013, [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 [REDACTED] asserts they were not sent a copy of the denial. The Department has no evidence which indicates a copy was sent to [REDACTED]. As Claimant's authorized representative, [REDACTED] should have been sent a copy of the denial.

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 provide proper notice of the denial of Claimant's November 22, 2011 Medical Assistance (MA) application.

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

It is further ORDERED that the Department issue a current Notice of Case Action (DHS-1605) regarding denial of Claimant's November 22, 2011 Medical Assistance (MA) application.

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

Date Signed: 07/17/2013

Date Mailed: 07/18/2013

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/sw

cc:

