

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-23011
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 29, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 April 29, 2009. Claimant's authorized agent appeared and testified. An eligibility specialist represented the Department.

ISSUE

Did the Department fail to make a determination regarding Claimant's application for Medical Assistance (MA) benefits dated January 18, 2008?

FINDINGS OF FACT

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

- (1) Claimant applied for MA benefits on January 18, 2008.

- (2) Claimant's representative submitted, as evidence, an application date stamped January 18, 2008. The date of January 18, 2008 is legible but the district office is not legible.
- (3) The Department received a hearing request on May 29, 2008.

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) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

STANDARDS OF PROMPTNESS

All Programs

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

Exception #1: For **FAP**, the SOP begins when the **correct** local office receives it. See [PAM 110](#).

Exception #2: For **FAP**, when a person applies for SSI and FAP before being released from a medical institution, the SOP begins on the applicant's date of release.

See [PAM 105](#), for the minimum required information for filing.

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date. See "[PROCESSING DELAYS](#)" in this item. Requests for member adds must be registered on ASSIST. See AUM 150.

FIP, RAP, CDC, SDA, MA and AMP Only

Approve or deny the application and mail the client a notice within 45 days. If the client applied for CDC, the CDC provider must also be sent a notice within 45 days.

Exceptions:

- 10 days for all pregnant Medicaid applicants.
- 30 days for Refugee Assistance Program (RAP) applicants.
- 60 days for SDA applicants.
- 90 days for MA categories in which disability is an eligibility factor.

The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

For CDC, also send a notice to the client and provider applicant within six workdays of receiving the DHS-220-A/220-A-SP, Day Care Aide Provider Application, from a person applying to be a day care aide or the DHS-220-R/220-R-SP, Relative Care Provider Application, from a person applying to be a relative care provider. The notice must inform the client and provider applicant whether the provider application has been approved or denied. See [PEM 704](#).

MA Only

The SOP for an **initial asset assessment** begins the date the local office receives a signed DHS-4574-B, Assets Declaration. Complete the assessment and mail the client and spouse a notice within 45 days. See PEM 402. (PEM 115)

In this case, the Claimant's application of January 18, 2008 was not processed. The Department contends it has no record of that application. Claimant is entitled to a decision on his application under PEM 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to make a determination regarding Claimant's application for MA benefits dated January 18, 2008. The Department is ORDERED to register

Claimant's application dated January 18, 2008, review it and make a determination regarding his eligibility for MA and retroactive benefits.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/07/09

Date Mailed: 05/11/09

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.

TW/dj

cc:

[REDACTED]