

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: 2008-24679

Issue No: 2012

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 2, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 telephone hearing was held on June 2, 2009. Claimant did not appear; however, he was represented by [REDACTED]

ISSUE

Did the department err in processing claimant's March 19, 2008 Medicaid (MA) application?

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 March 19, 2008, [REDACTED] filed an MA application at the local [REDACTED] (Department Exhibit #1, pgs 1-4).

- (2) On March 27, 2008, the local office mailed claimant and his representative [REDACTED] a verification checklist (Department Exhibit #1, pgs 10 and 11).
- (3) [REDACTED] requested an extension of the medical record submission date, which the local office granted (Department Exhibit #1, pg 12).
- (4) After that, [REDACTED] received no written notice from the local office approving or denying claimant's application.
- (5) However, on May 12, 2008, claimant was mailed a denial notice, but there is no proof the department also mailed this notice to [REDACTED] in contrast to the verification checklist referenced in Finding of Fact #2 above.
- (6) The department's witness at hearing had no personal knowledge about the disputed application because she was not claimant's application processing worker.
- (7) Claimant's application processing worker did not attend the hearing.
- (8) [REDACTED] hearing request seeks reinstatement and reprocessing of claimant's application based on the department's failure to follow policy.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The applicable departmental policy states:

AUTHORIZED REPRESENTATIVES

All Programs

An **Authorized Representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group.) An AR is not the same as an Authorized Hearing Representative (AHR) PAM, Item 110, p. 6.

The AR assumes all the responsibilities of a client. See PAM 105, PEM, Item 110, p. 7.

At application and redetermination:

. Thoroughly review all eligibility factors in the case.

Applications and redeterminations must be completed within the standards of promptness. See PAM 115, 210. PAM, Item 105, p. 11.

Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision. PAM, Item 105, p. 11.

In this case, [REDACTED] stood in the client's shoes for application processing purposes, and thus, the local office had the responsibility to notify [REDACTED] of the application's approval or denial.

The documentary evidence of record fails to establish this was ever done. Likewise, no competent or material testimony was put forth on this record to establish notice was ever mailed to [REDACTED] because claimant's application processing worker was not present at the hearing. As such, the department has failed to meet their burden of proof in this case, and [REDACTED] request for application for reinstatement/reprocessing must be granted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in processing claimant's March 19, 2008 MA applicaton.

Accordingly, the department's action is REVERSED, and this case is returned to the local office for application processing consistent with departmental polciy. **SO ORDERED.**

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 3, 2009

Date Mailed: June 3, 2009

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 receipt 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.

MBM/db

cc:

