

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg No: 2008-30461

Issue No: 2012

Case No: ██████████

Load No: ██████████

Hearing Date:

August 24, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on August 24, 2009. The Claimant's authorized hearing representative, ██████████, appeared and testified. Karen Lewis, MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") application and whether the Claimant can appeal the denial?

FINDINGS OF FACT

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

1. On December 14, 2007, the Claimant submitted an application for disability based MA benefits and SDA. (Exhibit A, pp. 7-17).

2. [REDACTED] was listed as Authorized Representative for Claimant. (Exhibit A, p. 10).
3. On 1/7/08 and 1/31/08, Claimant's representative sent requests inquiring as to the status of Claimant's application, having never received a request for verification. (Exhibit B, pp. 1-3).
4. The Claimant's case was referred to MRT and was denied on 3/6/08. Claimant was sent a copy of the Notice of denial on 3/14/08. (Exhibit A, p. 23).
5. The Department indicated that the authorized representative was faxed notice of the denial and referred to Exhibit A, pp. 20-21. Each of the transmission verification reports, however, indicated that the transmission was busy and did not go through.
6. On June 2, 2008, the Department received the Claimant's original written hearing request protesting the failure to register and process the Claimant's application. (Exhibit 1, p. 11).
7. The original hearing request was dismissed on 9/19/09 upon indication from the Department that all issues had been resolved.
8. On October 16, 2008, The Department received the Claimant's second written hearing request protesting the denial of the Claimant's application. Exhibit 1, p. 4.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative

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

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110, p. 1. Clients must complete and sign public assistance applications. PAM 115, p. 1. An application is incomplete until enough information is provided to determine eligibility. PAM 115, p. 3. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105, p. 1. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115, p. 8. The date of application is the date the local office receives the required minimum information on an application. PAM 110, p. 5. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15.

Any person, regardless of age, or his authorized representative, may apply for assistance. PAM 110, p. 4. An authorized representative (“AR”) is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. PAM 110, p. 6. An individual, who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of the person, must have a signed authorization to act on behalf of the client, by the client, client’s spouse, parent(s) or legal guardian. PAM 110, p. 7. An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. PAM *Id.* The application form must be signed by the client or the individual acting as the authorized representative. *Id.* An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency

to act as the authorized representative. PEM 110, p. 8. For MA purposes, an authorized representative must be designated in writing by the client. *Id.*

In the subject case, the Claimant submitted an application on 12/14/07 with [REDACTED] signing as authorized representative. The Claimant's application was denied and Claimant was sent notice on 3/14/08. However, the Administrative Law Judge finds that the Authorized Representative was never sent notice of the denial. Although the Department attempted to fax the denial to the AR, the fax transmissions show that the notice never went through. Nor was the representative ever sent any request for verifications. The Administrative Law Judge finds that the Department failed to properly notify the representative of verifications needed or properly notify the representative of denial of the claim. Furthermore, even though the Claimant's representative did not know of the denial, due to lack of notice, the Claimant's original hearing request was filed within 90 days of the denial. Also, another hearing request was filed after the original was dismissed. Therefore, the undersigned finds that the Claimant timely filed a request appealing the MRT denial.

Based on the facts and evidence in the record, the Administrative Law Judge finds that the Department failed to notify Claimant's representative of the denial of the claim and that Claimant's hearing request is sufficiently timely to appeal Claimant's denial of MA and SDA. Accordingly, the Department's decision to close Claimant's case is REVERSED, in part.

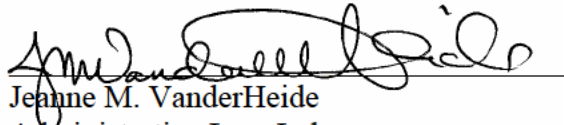
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's 3/14/08 denial of MA and SDA benefits has been timely appealed by the Claimant.

2. The Department shall schedule a full medical hearing regarding the question of Claimant's disability.
3. The Department shall notify Claimant's AR, in addition to Claimant of any case action.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/25/09

Date Mailed: 09/29/09

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.

JV/dj

cc:

