

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: 2009-11502
Issue No: 2006; 2007
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 three-way telephone hearing was held on November 4, 2009, in Flint. Claimant did not appear at the hearing.

Claimant was represented by [REDACTED].

The department was represented by Gary Johnson (FIM) and Shirley Person (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did claimant's representative submit a valid application on July 30, 2008 by faxing the application to the Genesee County Central Administration Office, which does not process applications for the McCree District?

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 is an MA-P applicant.

(2) Claimant was represented by [REDACTED]. Claimant's caseworker resides at the McCree office (Dist. #2) in Flint. The correct fax numbers for submitting applications to McCree are: 810-760-7322 and 810-760-7360.

(3) On July 30, 2008, [REDACTED] faxed claimant's MA-P application to the [REDACTED]. [REDACTED] used an incorrect fax number: 810-760-2984. This is the fax number for the [REDACTED]. This number is not used for processing applications for District #2.

(4) The July 30, 2008 application was timely filed. At the time the first application was faxed to District #2, claimant was under the age of 21.

(5) The July 30 application was not forwarded by [REDACTED] to District #2 where claimant's caseworker resides. It was never registered.

(6) On [REDACTED] [REDACTED] faxed a second MA application on claimant's behalf to the [REDACTED], using fax #810-760-2984. This is not the correct number for sending applications on behalf of clients who have workers at District #2/McCree.

(7) The September 5, 2008 application was forwarded by Central Administration to claimant's caseworker at District #2. However, the September 5, 2008 application was untimely because claimant was now over the age of 21.

(8) The September 5 application was registered by District #2/McCree on September 17, 2008.

(9) On October 2, 2008, the caseworker denied claimant's application because she was over 21 on September 5, 2008.

(10) On October 2, 2008, claimant requested a hearing.

(11) On November 4, 2009, during the hearing, the FIM agreed to backdate claimant's September 5, 2008 application to July 30, 2008 and to make an MA-P eligibility determination on the merits.

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 department's policy manuals require that clients cooperate with the department in establishing eligibility. This is accomplished by filing a timely application (DHS-1171) and providing the necessary verifications, as needed. See BEM 500, 550, and BAM 210.

The preponderance of the evidence in the record shows that [REDACTED] used an incorrect fax number when submitting the July 30, 2008 application on claimant's behalf. The department was not aware of the July 30, 2008 application until [REDACTED] filed a hearing request on claimant's behalf.

Notwithstanding that [REDACTED] used an incorrect fax number to submit the July 30 application, the FIM at the hearing agreed to process claimant's July 30 application and determined claimant's eligibility in July 2008.

Based on manager's decision to accommodate [REDACTED], the Administrative Law Judge adopts the position of the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's September 5, 2008 application, and stipulated with [REDACTED] to back date claimant's application to July 30, 2008.

The Administrative Law Judge hereby incorporates the stipulation between the parties and orders the department to reprocess the July 30, 2008 application and provide claimant with a proper eligibility notice.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 5, 2010

Date Mailed: March 8, 2010

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.

JWS/tg

cc:

