

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.: 2009-15568
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 09, 2009
Washtenaw County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was conducted from [REDACTED] on April 9, 2009. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. Jamie Lewis-Clay appeared on behalf of the Department.

ISSUE

Whether the Department properly processed and denied the Claimant's application for Medical Assistance ("MA-P").

FINDINGS OF FACT

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

1. In August or September of 2008, the Claimant submitted an application for Medical Assistance ("MA-P") seeking retroactive benefits from August 2008.

2. The Department provided the Claimant a Verification Checklist requesting documentation be submitted by September 22, 2008
3. The Claimant failed to submit the requested verifications which resulted in the denial of the application on September 23, 2008. (Exhibits 1, 2)
4. The Claimant did not participate in the hearing process.
5. Subsequent to the denial, [REDACTED] contacted the Department regarding the Claimant's application.
6. The [REDACTED] was instructed to submit a signed release to the Department.
7. On October 9th, a signed release was submitted by [REDACTED] to the Department. (Exhibit 3)
8. On October 14, 2008, [REDACTED] sent a facsimile to the Department seeking information regarding the status of the Claimant's August/September application. (Exhibit 4)
9. On November 5, 2008, [REDACTED] mailed another application for public assistance to the Department along with some verifications. (Exhibit 8, 9)
10. On November 7, 2008, [REDACTED] sent verification of the Claimant's educational loan to the Department. (Exhibit 5)
11. The Department did not receive the application.
12. On December 1, 2008, [REDACTED] sent an email to the Department checking on the status of the November 5, 2008 application. (Exhibit 6)
13. On January 2, 2009, [REDACTED] sent an email to the Department checking on the status of the November application. (Exhibit 7)
14. On January 5, 2009, [REDACTED] sent a facsimile to the Department requesting the status of the application. (Exhibit 7)

15. On February 2, 2009, the Department received a Request for Hearing from the Claimant's representative protesting the failure to respond to the representative. (Exhibit 10)
16. On March 11, 2009, a Request for Hearing was sent (via facsimile) to [REDACTED] stating that it was the second request for hearing sent to the local office. (Exhibit 11)
17. The Department denied receipt of the second request noting that it was not date stamped.

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. 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115, p. 8 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15

motion where the final decision cannot be implemented within 60 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.

CMM/jlg

cc:

