

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.: 2009-15974

Issue No.: 2012

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

September 3, 2009

Wayne County DHS (17)

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 Detroit, Michigan on September 3, 2009. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's June 27, 2008 Medical Assistance ("MA") application?

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 June 27, 2008, the Claimant submitted an application for public assistance seeking emergency MA benefits retroactive for May 2008. (Exhibit 1)

2. On July 24, 2008, the Department sent the Claimant and his authorized representative a Verification Checklist requesting the documentation be returned by August 4, 2008. (Exhibit 2)
3. On August 4, 2008, an extension request was received by the Department seeking to have August 14, 2008 as the new due date for the requested verifications. (Exhibit 3)
4. On August 13, 2008, the Department received the requested verifications. (Exhibit 4)
5. The application was not processed any further.
6. On January 21, 2009, the Department received the Claimant's Request for Hearing seeking to have the June 2008 application processed.

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 Clients must complete and sign public assistance applications. PAM 115 An application is incomplete until enough information is provided to determine eligibility. PAM 115 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 Retro-MA coverage is available back to the first day of the third

calendar month prior to the application date. PAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115

Citizenship/alien status is not an eligibility factor for emergency services only MA however the person must meet all other eligibility factors including residency. PEM 225 MA coverage is limited to emergency services for persons with certain alien status or U.S. entry dates or persons refusing to provide citizenship/alien status information on the application; or persons unable or refusing to provide satisfactory verification of alien information. *Id.*

On June 27, 2008, an application for emergency medical services was requested on behalf of the Claimant. The requested verifications necessary to process the application were timely submitted to the Department however the application was not processed any further. Under this scenario, it is found that the Department failed to act in accordance with Department policy when it failed to process the June 27th application. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department failed to act in accordance with department policy in processing the Claimant's application.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall register and process the Claimant's June 27, 2008 application in accordance department policy.
3. The Department shall notify the Claimant and his representative, in writing, of the determination.

4. The Department shall supplement for any lost benefits (if any) the Claimant was entitled to receive if otherwise eligible and qualified.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/11/09_____

Date Mailed: 09/11/09_____

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 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:

