

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: 2009-2126
Issue No: 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 18, 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 May 18, 2009. The Claimant's representative, [REDACTED] appeared and testified. Rhonda Hart, MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's MA case filed 3/31/09 and whether the Claimant's hearing request filed 7/17/08 was timely.

FINDINGS OF FACT

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

1. Claimant applied for disability based Medicaid at the [REDACTED] office on 1/9/08.
2. Claimant was denied by MRT on 2/8/08 and notified on 2/20/08.

3. Claimant's representative filed a new application on 3/31/08 at the [REDACTED] office. (Exhibit 1, p. 4)
4. Claimant's 3/31/08 application was never denied.
5. Claimant's 3/31/08 application was never transferred to the correct local office.
6. Claimant's representative contacted the case coordinator by email to determine what happened to Claimant's 3/31/08 MA case.
7. Claimant's representative was informed by email that Claimant already had Adult Benefit Waiver and FAP.
8. Claimant's representative emailed the caseworker again on 6/23/08 inquiring about the status of the 3/31/08 MA case.
9. The Department informed Claimant that the case had already been reviewed by MRT and closed.
10. Claimant's representative filed a hearing request on July 17, 2008.

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, formally known as the Family Independence Agency, 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 goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105, p. 1. Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories;

one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP related or SSI related. *Id.* To receive MA under an SSI related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP related categories. *Id.*

The date of application is the date the local office receives the required minimum information on an application or the filing form. If the application or filing form is faxed, the transmission date of the fax would be the date of application. The date of application should be recorded on the application or filing form. A person may request or apply for Medicaid assistance in any local office in Michigan. However, the application must be processed by a local office serving the county or district where the person lives or is institutionalized. PAM 110, pp. 12 & 13. If a client contacts a local office in error, the Department should do one of the following:

1. Give or send him an application and the address and phone number of the correct office.
2. Inform him that the processing time begins when the correct office receives the application.
3. If he chooses to complete the application and turn it in at your office, accept it, register it as a request, and mail it the same day to the correct office.

PAM 110, p. 14. The local office must register a signed application as a request if the client applied at the wrong local office. The correct local office must then register the application using the date it was received there as the application date. PAM 110, p. 15.

In the subject case, the Claimant originally filed a MA application which was denied. Claimant then obtained a representative and filed a second application on 3/31/08 in the wrong local office. The application was never transferred to the correct local office until the time of Claimant's hearing request. The Department failed to process Claimant's application or comply with PAM 110 and mail it to the correct office the next day. Therefore, the undersigned finds that the Department erred and Claimant's hearing request is timely. Furthermore, Claimant's application is considered timely and should be processed as of the date it should have been transferred to the local office, 4/1/08.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant timely filed a hearing request for the Department's failure to process Claimant's 3/31/08 MA application.

Accordingly, it is ORDERED:

1. The Department shall process Claimant's 3/31/08 MA application as a new application, referring Claimant and additional medicals to MRT as appropriate.
2. The Department shall document a transfer date of 4/1/08 to the [REDACTED] Office.

/s/

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

Date Signed: 05/22/09

Date Mailed: 05/26/09

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:

