

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.: 2009-21297

Issue No.: 2012

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 17, 2010

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 17, 2010. The Claimant was represented by his Authorized Representative (AR), [REDACTED]. The Department also appeared through its representative.

ISSUE

Whether the Department was required to register the Claimant's second application for Medicaid Disability filed November 17, 2008?

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 September 19, 2008, the Claimant's Authorized Representative filed an application for Medicaid Disability.

2. On November 17, 2008 the Claimant's Authorized Representative filed a second application for Medicaid Disability while the Claimant's first application for Medicaid Disability was pending.
3. The Medical review team denied the Claimant's Medicaid Disability application of September 19, 2008 on January 6, 2009.
4. The Department denied the Claimant's first Medicaid Disability application on January 14, 2009.
5. The Department did not register the Claimant's second application for Medicaid Disability of November 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 (formerly 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).

PAM 110, page 6 requires:

An application or filing form, with minimum information, must be registered on ASSIST unless the client is already active for that program(s).

PAM 105, page 1 requires:

An application or filing form, whether faxed or mailed, must be registered with the receipt date.

In this case the Department denied the Claimant's September 19, 2008 application for Medicaid Disability on January 14, 2009, but never registered the second and subsequent

application dated November 17, 2008. The second application was filed but not registered by the Department as required.

The undersigned finds that the Department's decision not to register the Claimant's second application dated November 17, 2008 was in error.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the department to register the Claimant's second MA application and retroactive MA back to November 17, 2008.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/4/2010

Date Mailed: 3/4/2010

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.

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.

MJB/jlg

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