

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2009-22345

Issue No.: 2012

Case No.: ██████████

Load No.: ██████████

Hearing Date:

December 14, 2009

Wayne County DHS (49)

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 December 14, 2009. The claimant was represented by his Authorized Representative (AR), ██████████.

ISSUE

Did the Department properly open the claimant's Medical Assistance (MA), and retroactive MA?

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 November 25, 2008, the claimant's AR filed an application for MA and retro MA.
- 2) The department denied the application on October 20, 2008, but never sent the AR notice of its decision.

- 3) On March 17, 2009, the claimant, through his AR, requested a hearing.

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).

Here, at the hearing, the Department never noticed the claimant's AR of its decision.

ELIGIBILITY DECISIONS

Denials

All Programs

If the group is ineligible **or** refuses to cooperate in the application process, send a denial notice within the standard of promptness. (PAM 115, p.15.)

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group).

An AR is **not** the same as an **Authorized Hearings Representative** (AHR). See PRG Glossary for hearings policy definition.

When no one in the group is able to make application for program benefits, any group member capable of understanding AR responsibilities may designate the AR.

The AR assumes all the responsibilities of a client. See [PAM 105](#). (PAM 110, p. 7.)

The department was obliged to treat the AR as the claimant. When the department failed to notice the AR, it was as if no notice was sent.

This Administrative Law Judge finds that the department failed in its responsibility to notify the AR in violation of the above policies.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to re-register the MA application on the November 25, 2008, it may then properly notice the AR of its decision..



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

Date Signed: January 22, 2010

Date Mailed: January 22, 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 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.

MJB/pf

cc:

