

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.: 2009-24919
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 23, 2009
Oakland County DHS (4)

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 telephone hearing was conducted from Detroit, Michigan on September 4, 2008. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's October 15, 2007 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. In November 2007, the Claimant submitted a public assistance application seeking MA benefits retroactive from October 2007.

2. On November 15, 2007, a Verification Checklist was sent to the Claimant requesting medical documentation be submitted by November 30, 2007.
3. Medical records were submitted and forwarded to the Medical Review Team (“MRT”) for a determination.
4. On January 29, 2008, the MRT deferred the disability determination requesting that an Internist and Psychiatric evaluation(s) be scheduled for the Claimant.
5. The Claimant missed the first scheduled appointment however a second appointment was to be scheduled. (Exhibit 1)
6. The Claimant’s representative never received notification of the appointment and/or any disposition regarding the November application.
7. On September 2, 2008, the Claimant submitted another MA application which was approved in March of 2009.
8. On or about January 9, 2009, the Department received a Request for Hearing seeking to have the November 2007 application re-registered and processed.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903(1) Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902 - .904; PAM 600

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

In this case, the Claimant submitted a MA application in November 2007. The application was registered and initially processed apparently up to the point of scheduling an appointment, as requested, by the MRT. There appears to have been no further action taken on this application. Subsequently, another application was submitted in September of 2008 which resulted in a MRT approval however a determination on the original application was not made. Ultimately, in light of the fact that the Department has not made a determination regarding the November 2007 application, it is found that the Claimant’s Request for Hearing is timely. In addition, it is further found that the Department failed to establish it followed department policy

when processing the Claimant's November 2007 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 when it failed to fully process the November 2007 application.

Accordingly it is ORDERED:

1. The Claimant's request for hearing is timely.
2. The Department shall re-register and process the Claimant's November 2007 application and notify the Claimant and her representative of the determination.
3. The Department shall supplement the Claimant for any lost benefits (if any) she 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: 08/11/09

Date Mailed: 08/12/09

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.

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cc:

