

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.: 2009-2606
Issue No.: 2012, 4001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 30, 2009
Macomb County DHS (12)

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 received by the Department on September 18, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 30, 2009. The Claimant was represented at the hearing by [REDACTED] of [REDACTED]. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly processed Claimant's Medical Assistance ("MA") and State Disability Assistance ("SDA") application and denied Claimant MA and SDA benefits based on failure to provide verification?

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 February 13, 2008, the Claimant applied for MA and SDA benefits.
2. Claimant signed an authorization to be represented by [REDACTED] on 2/9/08. (Exhibit 1-A).

3. On 4/3/08, the Department sent out a verification checklist to the Claimant at her home address. (Exhibit 2).
4. The Department indicated that the verification checklist was sent only to the Claimant and not to [REDACTED].
5. [REDACTED] requested the verification checklist several times. See Exhibits C7 (dated 5/1/08) and C4 (dated 8/20/08).
6. The Department did not have the entire file present at the hearing.
7. The Department denied benefits on 7/14/08.
8. On September 18, 2008, the Department received the Claimant's written hearing request protesting the denial.

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 pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program

Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 – 400.951. 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. A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. MAC R 400.904(1). A claimant shall be provided 90 days from the mailing of the notice to request a hearing. MAC R 400.904(4); PAM 600, p. 4

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110, p. 1. Clients must complete and sign public assistance applications. PAM 115, p. 1. An application is incomplete until enough information is provided to determine eligibility. PAM 115, p. 3. The Department is required to process each application within a specified time period. This standard of promptness begins the date the department receives an application/filing form, with minimum required information. PAM 115, p. 10-11. The Department is required to approve or deny the application and mail the client a notice within 45 days. PAM 115, p. 11. The Standard of promptness for MA cases cannot be changed for any reason.

An Authorized Representative (“AR”) is defined as a person who makes application or provides eligibility information on behalf of a client. Also, in FAP, an AR is a person who accesses food assistance benefits on behalf of a client. For MA purposes an authorized represen-

tative must be an adult child or stepchild, a specified relative, designated in writing by the client or court appointed. PGR p. 5.

In the subject matter, the Department failed to process the case within the required 45 days. Therefore, The Department has failed to meet the Standard of Promptness. Furthermore, the Department acknowledged that the verification checklist was not mailed to the Authorized Representative. If the Authorized Representative is to assist the client by providing eligibility information, the Authorized Representative must first know what information is needed. Since the Department did not mail the verification checklist to the Authorized Representative, the Authorized Representative never knew what was being sought.

Based upon the foregoing facts and relevant law, it is found that the Department failed to process Claimant's MA benefits within the Standard of Promptness. It is further found that the Department improperly denied Claimant benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to process the Claimant's MA benefits within the Standard of Promptness.

Further, the Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department improperly denied the Claimant benefits for failure to return a verification checklist when that checklist was not mailed to the Authorized Representative.

Accordingly, it is ORDERED:

1. The Department's determination to deny Claimant's 2/13/08 Application for Benefits effective 7/14/08 is REVERSED.

2. The Department shall reopen and reprocess Claimant's MA-P and SDA cases as of the day of closure.
3. If Claimant otherwise qualifies for benefits, the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive in accordance with department policy

/s/

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

Date Signed: 09/03/09

Date Mailed: 09/08/09

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.

JV/jlg

cc:

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