

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.: 2009-27352
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 26, 2009
Wayne County DHS (43)

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 hearing was conducted from Highland Park, Michigan on August 26, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's application for Medical Assistance ("MA-P")?

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 August 12, 2008, the Claimant submitted an application for Medical Assistance ("MA-P") seeking retroactive benefits from June 2008.

2. The Claimant's case was transferred to another local DHS office which generated a denial of the application on March 11, 2009. (Exhibit 1)
3. On May 27, 2009, the Department received the Claimant's written request for hearing.
4. Subsequently, the Claimant's case was transferred to another local office.
5. The application and supporting documentation was never forwarded to the Medical Review Team ("MRT") for consideration.

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, 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

The Claimant submitted an application for Medical Assistance on September 8, 2008. The case file was transferred to three offices and was ultimately never forwarded to the Medical Review Team for a determination of disability. Under this factual scenario, it is found that the

Department failed to establish that department policy was followed in the processing of the Claimant's 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 in processing the Claimant's application.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall re-open and process the Claimant's September 9, 2008 application in accordance department policy.
3. The Department shall notify the Claimant and his representative, in writing, of the determination.
4. The Department shall supplement the Claimant for any lost benefits (if any) the Claimant 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: 08/31/09

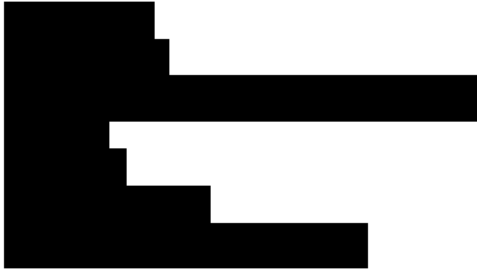
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration 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.

CMM/jlg

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