

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.: 2009-30466

Issue No.: 2009

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

November 25, 2009

Wayne County DHS (57)

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 April 20, 2007. The Claimant was present and testified.

ISSUE

Did the department properly process the claimant's application for Medical Assistance (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 June 1, 2009, the Claimant, applied for MA.
2. On June 24, 2009, the claimant filed for 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).

During the hearing it became clear that the claimant had noticed the department of his health problems but the department simply responded by denying the Adult Medical Program because it was closed/frozen at the time of application.

It is true that the claimant failed to properly complete the application and the department provided evidence of that failure in showing that the claimant had failed to list anyone in his household as disabled. (Department exhibit 1)

However, the department was put on notice of the claimant's health concerns and problems in writing on his request for a hearing and, according to the claimant, he also notified the department verbally of his possible disability.

Response to Requests

All Programs

For a **request in person**, the local office must:

Give the requester an application the **same day; and**

Explain his right to file the application (or DHS-1171 Filing Form, with the minimum information) that day and encourage him to do so; **and**

Explain that the application date might affect the amount of benefits.

Give the client a Publication 859, Domestic Violence Informational Brochure.

Encourage the person to complete the entire application that day. Persons who cannot complete the entire application should complete the DHS-1171 Filing Form to protect their application date. PAM 105 lists the minimum information to file an application.

For a **request by letter or telephone**, mail the application by the end of the **next workday**. If the application is **not** returned, the requester must be contacted according to local office procedures. (PAM 110, pp. 1-2).

Here, the department was noticed through the claimant's request for a conversation with the department's manager and through the request for a hearing itself.

The department was unable to date the conversation between the claimant and the Family Independence Manager (FIM) and the FIM in question was not in attendance at the hearing.

This ALJ finds that the department should have assisted the claimant in the filing of his MA application on June 1, 2009.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES** and **ORDERS** the Department to reprocess and reregister the application as of the original application date of June 1, 2009, and make sure that the claimant's MA case is transferred to the proper department office.



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

Date Signed: 1/19/2010

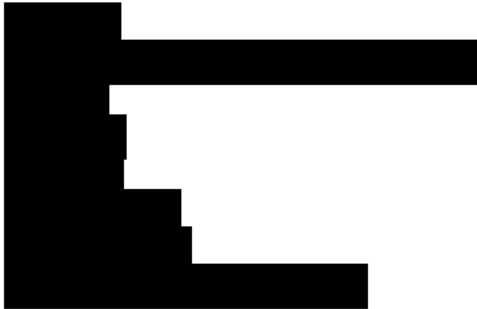
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration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

MJB/jlg

cc:

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