

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: 2009-31918

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 14, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 14, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) On March 30, 2009, claimant applied for Medical Assistance and State Disability Assistance benefits with no authorized representative.

(2) On June 2, 2009, the Medical Review Team requested all 2008 and 2009 hospital records along with cardiology testing in the past 12 months.

(3) On June 3, 2009, the department caseworker sent a DHS-3503, Verification Checklist, to claimant's address requesting medical information to be provided by June 15, 2009.

(4) As of June 26, 2009, no records had been sent and claimant had not contacted the department.

(5) On June 29, 2009, the department caseworker denied the Medical Assistance and State Disability Assistance benefit application and sent claimant a notice of denial.

(6) On July 1, 2009, [REDACTED] notified the department that it was requesting a hearing on a February 27, 2009 application for Medical Assistance with retroactive coverage to November 2008.

(7) [REDACTED] alleged in the hearing request form that the application had been pending since February 27, 2009 with no action on the part of the department.

(8) [REDACTED] alleged that as authorized representative they requested copies of all correspondence on behalf of the claimant to be forwarded to [REDACTED] office and that they had never received the DHS-3503, Verification Checklist, despite numerous requests to the Department of Human Services regarding the application status.

(9) The claimant testified at the hearing that she did not file a request for a hearing on the March 30, 2009 application.

(10) [REDACTED]' representative, [REDACTED] was sworn and testified on the record that [REDACTED] was the authorized representative as of January 9, 2009 although that

information was not attached to the request for a hearing. The authorization to represent attached to the hearing request and the authorization for release of information attached to the hearing request was dated March 23, 2009. [REDACTED] representative provided a copy of a DHS-1171 application signed by [REDACTED] on December 3, 2008 as the patient representative and also signed by what looked like [REDACTED] on page 33 on claimant's exhibits. However, [REDACTED] did not provide a date-stamped page one of a Medical Assistance application or a retroactive Medical Assistance application which indicates that the department ever received an application for Medical Assistance benefits from [REDACTED] on behalf of claimant on February 27, 2009 as alleged by [REDACTED]. In addition, [REDACTED] provided this Administrative Law Judge with an appearance of authorized representative which was signed by the authorized representative [REDACTED] on December 3, 2008, which is dated before claimant signed the authorization to represent on January 9, 2009. [REDACTED]' representative testified on the record that they had a fax transmittal on February 27, 2009 with an application attached which he was supposed to provide to this Administrative Law Judge which would establish that an application had actually been filed with the Department of Human Services on February 27, 2009. A fax transmittal at page 2 of claimant's exhibit indicates that on February 27, 2009 at 9:06 a.m. a fax was sent to the Wayne County DHS office, [REDACTED] which indicated that 32 pages were faxed to the department on that date. The fax transmittal sheet states in the subject line claimant's name and Medicaid App in parenthesis.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) 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 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 (DHS or department) 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).

In the instant case, [REDACTED] has provided a fax confirmation form which indicates that on February 27, 2009 at 9:06 a.m. a fax of 32 pages with a subject matter indicating the claimant's name and Medicaid App was faxed to the Wayne County Department of Human Services, [REDACTED].

Therefore, this Administrative Law Judge finds that [REDACTED] has established that they did file an application on claimant's behalf for Medical Assistance benefits and retroactive Medical Assistance benefits on February 27, 2009 with a retroactive Medical Assistance application for the months of January 2009, December 2008, and November 2008. Claimant did not file a request for a hearing on her March 30, 2009 application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that [REDACTED] did file a proper request for a hearing based upon the fact there is no evidence contained in the department's case that they actually registered and took action on the February 27, 2009 application. Therefore, this Administrative Law Judge finds that the department should reinstate claimant's February 27, 2009 application as well as claimant's

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March 30, 2009, consolidate them and register the applications, give claimant and her representative 30 days from the date of receipt to provide information on a DHS-3503, Verification Checklist, and return claimant's application to the Medical Review Team for assessment.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's February 27, 2009 application, and the March 30, 2009, consolidate the two applications and provide [REDACTED] and claimant with 30 days from the date placed on the DHS-3505, Verification Checklist, to provide appropriate verification and medical information. At that time, the department shall forward the consolidated applications and medical packet to the Medical Review Team for review and assessment.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 25, 2009

Date Mailed: November 25, 2009

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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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:

