

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.: 2009-35660
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 19, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 19, 2010. On behalf of Claimant, the following appeared and testified: [REDACTED] and [REDACTED]. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's Assistance Application (DHS-1171) for MA benefits due to failure to verify assets.

FINDINGS OF FACT

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

1. Claimant's authorized representative and daughter, [REDACTED], applied for MA benefits for her mother on 3/31/2009.

2. The application included a request for retroactive MA benefits for 1/2009 and 2/2009.
3. Claimant resides in a long term care facility, [REDACTED].
4. Based on information within the DHS-1171, DHS requested verification of assets on 4/6/09.
5. DHS sent the request to [REDACTED].
6. DHS did not receive the requested verification of assets by the due date.
7. DHS denied Claimant's request for MA benefits on 5/21/09 due to the failure to verify assets.
8. Claimant's authorized representative submitted a hearing request on 8/10/2009 regarding the denial of MA benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group). BAM 110

at 7. The AR assumes all the responsibilities of a client. *Id.* For MA benefits, an application may be made on behalf of a client by his spouse, parent, legal guardian, adult child, stepchild, specified relative or any other person provided the person is at least age 18 or married. *Id.* at 8.

In the present case, Claimant's daughter, [REDACTED], applied on behalf of her mother. Claimant's application clearly identified her as an authorized representative. Per BAM 110, [REDACTED] is an allowable authorized representative and assumes all responsibilities of the client. As such, [REDACTED] was entitled to receive any verification requests from DHS.

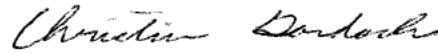
DHS contended that [REDACTED] did not list herself as a guardian on the application for MA benefits. The argument of DHS is irrelevant. Guardianship is not a requirement for an AR. [REDACTED] clearly wrote that she completed the application on behalf of her mother; this alone served as notice to DHS that she was her mother's AR.

As an AR, [REDACTED] was entitled to receive the DHS request for verification of assets. DHS admits not making such a request from the AR. It is found that DHS improperly denied Claimant's request for MA benefits due to failure to verify assets because DHS did not properly make the request to Claimant's AR.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's 3/30/09 application for MA benefits. It is ordered that DHS reinstate the original request and make requests for any documents needed from Claimant's authorized representative, [REDACTED].

If all requests are fulfilled, then DHS is to evaluate Claimant's eligibility for MA benefits not processed stemming from Claimant's 3/30/09 application including requests for retroactive MA benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/4/2010

Date Mailed: 5/4/2010

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.

CG/jlg

cc:

