

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.: 2009-5664
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 12, 2009
Oakland County DHS (3)

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 a request for hearing. After due notice, a hearing was conducted from [REDACTED], Michigan on March 12, 2009. The Claimant's wife's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether good cause exists for the failure to appeal the January 17, 2008 denial of the Medical Assistance ("MA") application.

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 October 18, 2007, the Department received an application for Medical Assistance ("MA-P") on behalf of the Claimant. (Exhibits 1 – 13)

2. An authorization to represent was not submitted with the application.
3. On December 7, 2007, the Department mailed a verification checklist to the address listed on the application requesting supporting documentation be submitted by December 17, 2007. (Exhibit 14)
4. On January 17, 2008, the verification checklist was returned by the United States Post Office as undeliverable with no forwarding address available. (Exhibit 15)
5. As a result, the Department denied the application on January 17th as the Claimant's location was unknown. (Exhibits 16, 17)
6. On January 31, 2008, the Department was notified that the Claimant had passed away on October 24, 2007.
7. On May 15, 2008, the Department received a Request for Hearing from the decedent's wife's authorized representative.

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, 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 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, p. 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115, p. 8 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15

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 - .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 negative action notice. MAC R 400.902 - .904; PAM 600, p. 4

In this case, the Department denied the Claimant's application after being unable to locate the Claimant. At the time of denial, the Department was unaware that the Claimant had passed away on October 24, 2007. The application was denied on January 17, 2008 however a hearing request was not received until more than 90 days from the action. Under these facts, the Department established it acted in accordance with Department policy when it denied the MA-P application. Regardless, the request for hearing is untimely and is dismissed accordingly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Department acted in accordance with Department policy when it denied the MA-P application. It is further found that the Request for Hearing is untimely.

Accordingly, it is ORDERED:

The Request for Hearing is DISMISSED as untimely.

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

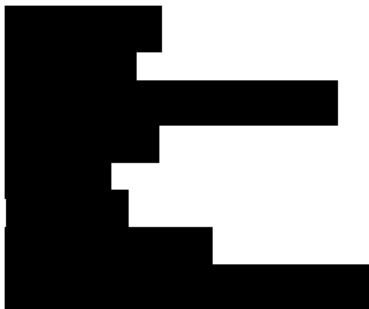
Date Mailed: _____

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

cc:

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