

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.: 2009-743
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 10, 2009
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 telephone hearing was conducted from Detroit, Michigan on August 10, 2009. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's 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 August 28, 2005, the Claimant submitted an application for disability based MA benefits.

2. On March 17, 2006, [REDACTED] filed a notice of appearance as authorized representative for Claimant and attempted to pursue the first MA application. (Exhibit 1, p. 50)
3. On 6/29/06, Claimant's current authorized representative refiled the public assistance application seeking MA and Retro MA benefits through March of 2006. (Exhibit 1, pp. 6 & 8).
4. The second MA application was not registered nor were verification checklists sent out.
5. On June 28, 2006, Claimant's representative sent a letter requesting a copy of the Verification Checklist in order to begin working on the file. (Exhibit B, p. 7).
6. On 8/9/06, 8/28/06 and 9/20/06, Claimant's representative sent faxes to the Department as there had been no word on the case. (Exhibit B, p. 9).
7. On October 5, 2006, the Department received the Claimant's original written hearing request protesting the failure to register the Claimant's application. (Exhibit B, p. 1). According to Claimant's representative, a hearing was never scheduled. The Department was unable to provide any information regarding the status of the case.
8. On 7/5/06 and 2/8/07, Claimant was scheduled for a Medical Appointment. The notices were only sent to Claimant, not to the authorized representative. (Exhibit 1, pp. 5-6).
9. On 8/9/06 and 2/20/07, the Department sent a denial notification to the Claimant only based upon the failure to attend a scheduled doctor's appointment. (Exhibit 1, pp. 2, 3).
10. On April 15, 2008, The Department received the Claimant's second written hearing request protesting the failure to register and process the Claimant's application. (Exhibit 1, p. 1).

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. 1. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115, p. 8. The date of application is the date the local office receives the required minimum information on an application. PAM 110, p. 5. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15.

Any person, regardless of age, or his authorized representative, may apply for assistance. PAM 110, p. 4. An authorized representative (“AR”) is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. PAM 110, p. 6. An individual, who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of the person, must have a signed authorization to act on behalf of the client, by the client, client’s spouse, parent(s) or legal guardian. PAM 110, p. 7. An AR assumes all responsibilities of the

client and must provide his name, address, and title or relationship to the client. PAM *Id.* The application form must be signed by the client or the individual acting as the authorized representative. *Id.* An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as the authorized representative. PEM 110, p. 8. For MA purposes, an authorized representative must be designated in writing by the client. *Id.*

In the subject case, the Claimant submitted an application on 8/28/05. [REDACTED] filed as authorized representatives on 3/17/06. When no action was taken on the 8/28/05 case, [REDACTED] refiled an application on 6/29/06. The Administrative Law Judge finds that the Department failed to register and process both of Claimant's applications. At two points in time, the Department scheduled Claimant for a medical examination but still failed to notify the AR. Furthermore, the Department failed to act on the 10/06 hearing request.

Based on the facts and evidence in the record, the Administrative Law Judge finds that the Department failed to process Claimant's 6/29/06 and failed to act on Claimant's original hearing request of 10/5/06. Accordingly, the Department's decision to close Claimant's case is REVERSED.

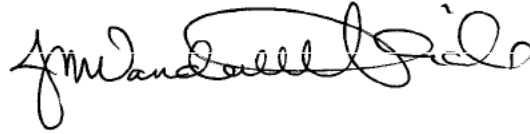
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's denial of the 6/29/06 MA application is REVERSED.
2. The Department shall reopen and reprocess the application as if there were no dates of closure, in accordance with department policy.

3. The Department shall notify Claimant's AR, in addition to Claimant of any case action.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/24/09

Date Mailed: 9/24/09

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.

JV/jlg

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