

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED] Reg. No: 2009-982
[REDACTED] Issue No: 2012
Claimant Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: July 22, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the hearing request of claimant's representative. After due notice, a telephone hearing was conducted from Flint, Michigan on July 22, 2009. The claimant's representative, [REDACTED] appeared. Calvin Mitchell, Family Independence Manager, and Mrs. Ladrido, worker appeared on behalf of the department. All were sworn and testified by telephone.

ISSUE

Whether the department failed to act on claimant's application in a timely manner or whether the representative and claimant filed their appeal in a timely manner within the 90 calendar days.

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 October 5, 2007, the claimant filed an application with the department.
2. The application was sent certified return receipt.
3. The department did not act on the application.
4. A request for hearing was received in Washtenaw County on August 19, 2008.
5. The request for hearing was received by the hearing coordinator on August 25, 2008 at the Washtenaw County DHS office.
6. The department can find nothing in it's data bank for this claimant.
7. On the record, claimant representative and the department agreed that the claim would be reopened and processed using the October 5, 2007 application date.
8. The department neither processed nor denied the application; but failed to act.

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 ("DHS"), formally known as the Family Independence Agency, 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").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5. An

authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110, p. 7.

In the record presented, the Department did receive claimant's application on October 5, 2007. The department failed to act in accordance with the departmental policy when they did not process the Claimant's application.

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal, or otherwise improper. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, claimant proved that the application was submitted, but that the department failed to act. This was agreed to by the department. The Department further agreed to process the application using the original October 5, 2007 filing date and claimant's representative agreed not to proceed with the hearing. Since the claimant and the department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department failed to act. The parties reached a settlement.

Accordingly, it is ORDERED:

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the department process claimant's application in accordance with this settlement agreement.

/s/

Susan Payne Woodrow
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: July 24, 2009

Date Mailed: July 30, 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.

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.

SPW/law

cc:

A large black rectangular redaction box covers the names of the recipients listed in the 'cc:' field.