

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: 2009-11228
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 20, 2009. Claimant did not appear; however, he was represented by [REDACTED]

ISSUE

Did the department properly process claimant's May 30, 2008 Medicaid (MA)/retro-MA application?

FINDINGS OF FACT

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

(1) At all times relevant, the department knew [REDACTED] was claimant's authorized representative.

(2) On May 30, 2008, claimant's authorized representative filed an MA/retro-MA application on his behalf (Department Exhibit #1, pgs 43-50 and 52-53).

(3) On July 11, 2008, the local office sent claimant's medical records to the Medical Review Team (MRT) to determine claimant's disability status or the lack thereof.

(4) On July 22, 2008, MRT returned this packet (deferred) to the local office and requested in writing they collect additional information (Department Exhibit #1, pg 37).

(5) The local office made no further written requests to claimant or his authorized representative in an attempt to collect these necessary, MRT-requested items.

(6) Six days later, on July 28, 2008, the local office returned claimant's original packet to MRT without any of the items requested, which resulted in a finding that claimant was not disabled.

(7) On August 8, 2008, the local office reports mailing application denial notices to claimant and his authorized representative; however, at hearing claimant's authorized representative denied ever having received it and a copy of the notice submitted at hearing (DHS-1150) does not verify that mailing to L [REDACTED] ever occurred.

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 (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).

The applicable departmental policy states:

AUTHORIZED REPRESENTATIVES

All Programs

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.) An AR is not the same as an Authorized Hearing Representative (AHR) PAM, Item 110, p. 6.

The AR assumes all the responsibilities of a client. See PAM 105. PEM, Item 110, p. 7.

The AR must give his name, address, and title or relationship to the client. To establish the client's eligibility, he must be familiar enough with the circumstances to complete the application, answer interview questions, and collect needed verifications. PAM, Item 110, p. 7.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "**Timeliness Standards**" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The facts of record are clear. The department's witness stipulated at hearing the local office never made a written request to claimant's authorized representative or claimant to obtain the verifications MRT requested.

The above referenced policy also is clear. It specifies that authorized representatives essentially stand in the shoes of their clients and it mandates that all departmental requests for verifications be made to them in the manner specified above. In this case that never happened; consequently, a reversible application processing error occurred.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in processing claimant's May 30, 2008 MA/retro-MA application.

Accordingly, the department's action is REVERESED and this case is returned to the local office for application reinstatement and reprocessing consistent with departmental policy.

SO ORDERED.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2009

Date Mailed: October 27, 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.

MBM/db

cc:

