

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: 2009-14335
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's representative's request for a hearing. After due notice, an in-person hearing was held on September 22, 2009. Claimant was present. Claimant was represented by [REDACTED]

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) 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) On 5/30/2008, claimant's representative filed an application for Medical Assistance on behalf of claimant. The application was signed by claimant's representative--

[REDACTED]

(2) Unrefuted evidence at the administrative hearing by both parties was that the application was in fact signed by the representative.

(3) Claimant did not sign the application. Claimant's representative did sign the application.

(4) The department send a verification checklist to the applicant requesting that the applicant: "Please contact this office prior to 12/20/08 regarding Medicaid application." Exhibit 6.

(5) On 1/7/09, the DHS denied claimant's application of 5/30/08 for the following reason: "Application was not signed by client." Exhibit 7.

(6) On 1/20/09, claimant's representative requested an administrative hearing.

(7) At the administrative hearing, the representative indicated that the department failed to communicate with the authorized representative until the denial notice was issued.

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).

At the administrative hearing, testimony by the department was that policy in BAM Item 110 requires the client to sign an application for assistance even when there is a representative who signed the application. However, upon inquiry, the department was unclear and could not cite actual policy and/or the page number in the policy to support its argument. Upon further inquiry, the department's representative indicated that her supervisor informed her to deny the application for claimant's failure to sign the application citing BAM Item 110.

Claimant's supervisor was not present at the administrative hearing for testimony and/or cross-examination.

Policy and procedure found in BAM Item 110 with regards to signatures on the application for MA states in part:

... The application form must be signed by the client or the individual acting as his authorized representative.... BAM Item 110, p. 8.

Claimant's representative further pointed out at the administrative hearing that the actual application itself states on page 7:

Important: You must sign the application... Signatures: Customer or representative. Exhibit 1F.

In this case, the representative signed the application. Moreover, the application itself is consistent with policy found in BAM Item 110, which indicates that either the client or the representative may sign the application.

After a careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the application was signed by the representative, and that was all that is required by DHS policy and procedure. Thus, the department had no authority upon which to deny this application for the reason that claimant himself did not personally sign the application. The department is reversed.

It is noted that the representative stipulated at the administrative hearing that all necessary verifications are in possession of the department and none are outstanding.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were incorrect.

Accordingly, the department's denial of claimant's MA application is hereby REVERSED.

It is ORDERED that the department reinstate claimant's 5/30/2008 MA application and reprocess eligibility. The department is ORDERED to communicate with [REDACTED] [REDACTED]. The department shall issue written notice as to the outcome of the disposition of the MA application after it reprocesses claimant's application. Claimant shall retain a right to a hearing for 90 days from the date of the new notice should claimant dispute the outcome of the new determination. It is SO ORDERED.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2009

Date Mailed: September 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JS/cv

cc:

[REDACTED]