

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2009-16810

Issue No.: 2012

Case No.: ██████████

Load No.: ██████████

Hearing Date:

November 25, 2009

Wayne County DHS (76)

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 the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, November 25, 2009. The Claimant's authorized hearing representative, ██████████, appeared and testified. ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's March 19, 2008 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. The Claimant submitted a public assistance application seeking MA and State Disability Assistance ("SDA") benefits on March 18, 2008.
2. The Verification Checklist and other forms were not sent to the authorized representative.

3. The Eligibility Notice was not sent to the authorized representative.
4. The Department failed to process the Claimant's application.

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 Clients must complete and sign public assistance applications. PAM 115 An application is incomplete until enough information is provided to determine eligibility. PAM 115 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 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115

Any person, regardless of age, or his authorized representative, may apply for assistance. PAM 110 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 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.

PAM 110 For MA purposes, an authorized representative must be designated in writing by the client. *Id.*

In this case, the Claimant submitted a MA application in March of 2008. The Department acknowledged that the application was not processed in accordance with policy. Accordingly, the Department agreed to register and process the application once a reconstructed file is submitted to the Department by the authorized representative. Ultimately, under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department failed to establish it acted in accordance with department policy in processing the Claimant's March 18, 2008 application.

Accordingly it is ORDERED:

1. The Department's actions are not upheld.
2. The Claimant's authorized representative shall, as agreed, provide the Department with a copy of the previously submitted materials necessary to register and process the application within 14 days from the date of this decision.
3. The Department shall, as agreed, re-register and process the Claimant's March 18, 2008 application in accordance with department policy and notify the Claimant and the representative of the determination.
4. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.



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

2009-16810/CMM

Date Signed: 12/09/09

Date Mailed: 12/09/09

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.

CMM/jlg

cc:

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