

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.: 2009-17955
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 4, 2009
Wayne County DHS (59)

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 hearing was conducted in Detroit, Michigan on June 4, 2009. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's December 11, 2007 Medical Assistance ("MA-P") 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 December 11, 2007, the Claimant submitted an application for public assistance seeking Medical Assistance retroactive from October 2007.

2. On February 10, 2009, the Department received the Claimant's request for hearing, protesting the failure to process the December 2007 application.
3. On March 5, 2009, the Medical Review Team deferred the disability determination in order for the Department to secure current medical documentation. (Exhibit 1)
4. On March 30, 2009, the Claimant attended a Department ordered examination. (Exhibit 2)
5. The Department has not approved or denied the 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, 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 [July 1, 2007] If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115, p. 15

In this case, an application was submitted but never fully registered and/or processed. The MRT deferred the disability determination in order for current medical records to be secured. On [REDACTED], the Claimant attended a Department ordered examination however, as of this date, it is unclear whether these records (or any other) were forwarded to the MRT for a determination regarding the Claimant's disability. Under these facts, the Department failed to act in accordance with Department policy when it failed to timely register and process the Claimant's December 2007 application. Accordingly, 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 the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department shall register and process the Claimant's December 11, 2007 application in accordance with department policy.
2. The Department shall secure the medical records from the department ordered examination in March of 2009.
3. The Department shall forward the Claimant's medical documentation to the MRT for a disability determination.

4. The Department shall timely notify the Claimant, and his authorized representative, of the MRT determination in accordance with department policy.

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

Date Signed: 06/08/09

Date Mailed: 06/09/09

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:

