

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.: 2009-19045
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 12, 2009
Wayne County DHS (41)

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 from Detroit, Michigan on August 12, 2009. The Claimant appeared along with her representative, [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's September 30, 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. On September 30, 2008, the Department received the Claimant's public assistance application seeking MA-P, retroactive from June 2008, and State Disability Assistance ("SDA") benefits. (Exhibits 1, 2)

2. On January 21, 2009, the Department sent an eligibility notice to the Claimant informing her that the application was denied by the Medical Review Team (“MRT”). (Exhibit 3)
3. There was no evidence presented that the application was registered/processed or that the MRT reviewed the application or corresponding medical documentation.
4. On February 24, 2009, the Department received the Claimant’s written request for hearing.

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

In this case, the Claimant submitted a MA application on September 30, 2008 seeking retroactive benefits from June 2008. SDA benefits were also sought. There was no evidence

that the application was registered and processed and/or forwarded to the MRT for a disability determination. Ultimately, there was no evidence presented to establish that the Department acted in accordance with department policy. 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 failed to act in accordance with department policy when it failed to process the Claimant's September 2008 application.

Accordingly, it is ORDERED:

1. The Department shall re-register and process (if not previously done so) the Claimant's September 2008 application in accordance with department policy.
2. The Department shall notify the Claimant, and her representative, in writing, of the determination.
3. The Department shall supplement the Claimant for any lost benefits (if any) she was entitled to receive if otherwise eligible and qualified.

/s/

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

Date Signed: 08/18/09

Date Mailed: 08/18/09

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.

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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

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