

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: 2009-20072

Issue No: 2012-4001

Case No:

Load No:

Hearing Date:

December 7, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on December 7, 2009. The Claimant's representative appeared and testified.

The Department failed to appear for the hearing. The hearing was scheduled for a 3-way telephone hearing at 8:30 am. The Department failed to be available for the hearing and after over an hour of attempting to get a Department person on the phone the hearing was conducted without the Department. The hearing started at 10:20 am.

ISSUE

Did the Department of Human Services (Department) fail to process Claimant's application for Medicaid (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On April 15, 2008, the Department received an application for MA and SDA at the Medbury district office.
2. The record indicates, according to fax communications submitted, that L&S contacted the Department over 6 times regarding the status of the application.
3. On October 7, 2008, an email from the Department indicated the Department would re-register and process the application in question.
4. On October 7, 2008, L&S sent a hearing withdrawal indicating they were withdrawing their hearing request based upon the Department agreeing to re-register and process the Claimant's April 15, 2008 application including retro back to January 2008.
5. On February 24, 2009, the Department received a request for hearing from L&S regarding the lack of processing.

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 (formerly known as the Family Independence Agency) 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).

In the present case, the Claimant provided an application for MA benefits to the Department on November 29, 2006. The Department appears to have failed to determine eligibility as required by Department policy. Instead, the Department processed a later application and determined eligibility on this application. When a request for hearing regarding the matter was received from the Claimant, a hearing was held regarding the latter application.

The Claimant's representative, who requested a hearing on September 6, 2007 regarding the November 29, 2006 MA application, now requests that the original application be considered.

The relevant policy can be found in PAM Item 105, p.1 and p. 11:

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

On the same day a person comes to the local office, he has the right to file an application and get local office help to provide the minimum information for filing.

An application or DHS-1171-F, Filing Document, must be registered if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant.
- Address of the applicant.
- Signature of the applicant/authorized representative.

Determine eligibility and benefit amounts for all requested programs. A DHS-1171 application for cash assistance (FIP/SDA) is an application for medical assistance (MA/AMP), even if medical assistance is **not** checked as a program being applied for on page 1 of the application.

SSI recipients, Title IV-E recipients, special needs adoption assistance recipients and Department wards are automatically eligible for current MA.

Review the effect on eligibility whenever the client reports a change in circumstances. Actions must be completed within the time period specified in PAM 220.

At application and redetermination, thoroughly review all eligibility factors in the case.

At application, redetermination, semi-annual contact and mid-cert contact, **all** available automated systems matches to see if income has started, stopped or changed (e.g. Consolidated Inquiry (CI), SOLQ, etc.).

Do not check automated systems matches for Healthy Kids.

Application and redeterminations must be completed within the standards of promptness.

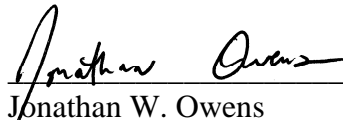
Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision.

The Claimant's representative provided a stamped certified copy indicating the documents were received by Medbury on April 15, 2008. The Department failed to process, determine, and notify Claimant's application for MA and SDA. Further, the Department acknowledged this failure in October 2008 and agreed at that time to process the application but again failed to do so. Therefore, the Department failed to follow policy and denied the Claimant the opportunity to apply for benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it failed to process Claimant's application dated April 15, 2008.

Accordingly, the Department is ORDERED to re-register and process the April 15, 2008 application for MA and SDA and determine eligibility for both programs. The Department shall advise both the Claimant and his representative in writing.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services Date

Date Signed: 03/03/10

Date Mailed: 03/04/10

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 receipt date of the rehearing decision.

JWO/dj

cc:

