

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: 2009-22935

Issue No: 2012

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 telephone hearing was held on October 15, 2009. Claimant was represented [REDACTED]

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) Claimant asserts that on or about November 2007, he filed an application for MA. Claimant does not recall when the application was denied, but recalls that he believed he possibly had until March 2008 to request a hearing.

(2) Claimant began receiving MA effective March 2008 after the medical review team (MRT) deemed him to be disabled effective March 2008.

(3) [REDACTED] became claimant's representative in June 2008. [REDACTED] filed a hearing request on the alleged November application January 8, 2009.

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).

Clients must complete and sign the appropriate application form:

- DHS-1171, Assistance Application (All Programs).
- DHS-4574, Medicaid Application (Patient of Nursing Home).

An application/DHS-1171-F, Filing Document, with the minimum information, must be registered on ASSIST.

Following registration of the application, you must do all of the following:

- Interview clients when required by policy.
- Determine eligibility for a program within the applicable standard of promptness (SOP).
- Document the eligibility determination on the DHS-1171-C, Eligibility Determination and Certification.
- Inform the client of the eligibility decision. PAM 220 explains the use of client notices.

Program Eligibility Manual (PEM) 115

42 CFR 431, 435

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

PEM 600

MA

42 CFR 431.200-.250

42 USC 1396r-5

In this case, claimant believes that he applied for MA in November 2007. He believes he may have been denied some time later with March 2008 possibly being the deadline for filing a hearing. The department has no record of the alleged application and denial. Claimant has no record of the alleged application and denial. The claimant representative has no personal knowledge or record of the application and denial. As neither the claimant, the claimant representative, nor the department has any record that an application was filed, there is not sufficient evidence to establish that the claimant filed an application in November 2007 which the department then failed to act upon. Accordingly, the department has properly not considered claimant's eligibility for November 2007. Claimant began receiving MA effective March 2008.

Finding of Fact 1-3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted properly when determining claimant's eligibility for MA regarding the alleged November 2007 application.

Accordingly, the department's action is **HEREBY UPHELD**.

/s/

Jana Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 21, 2009

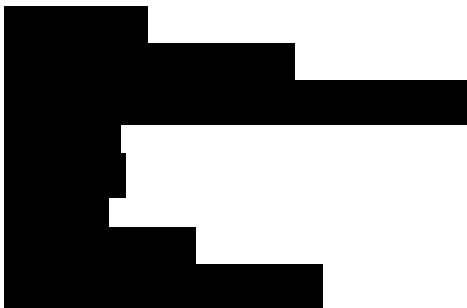
Date Mailed: October 22, 2009

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 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.

JAB/db

cc:

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