

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: 2009-2344

Issue No: 2012

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 9, 2009

Jackson 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 September 9, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's eligibility for 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) February 7, 2008, the department received an MA application from claimant. Checklist (DHS-3503) was sent stating required proofs and claimant did not return them by the due date. The application was denied on or about March 7, 2008.

(2) February 22, 2008, the department received an application for MA on claimant's behalf from [REDACTED]. The department did not act on this application.

(3) June 23, 2008, [REDACTED] filed a second application on claimant's behalf. The application was denied by Medical Review Team (MRT).

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).

Department manuals provide the following policy statements and instructions for caseworkers:

All Programs

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date.

Approve or deny the application and mail the client a notice within the standard of promptness:

- 90 days for MA categories in which disability is an eligibility factor.

- The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

If the group is ineligible or refuses to cooperate in the application process, send a denial notice within the standard of promptness.

Use the DHS-1150, Application Eligibility Notice, (DHS-4690 and DHS-198 for CDC, DHS-4598, Medical Program Eligibility Notice, for MA-only or AMP-only) or LOA2 equivalent.

Program Administrative Manual (PAM)115.

MA

42 CFR 431, 435

In this case, the department conceded on the record, that it did not process the February 22, 2009 application for MA. Finding of Fact 2. Accordingly, the department has not met its burden of proof and its action can not be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy regarding claimant's February 22, 2008 application for Medical Assistance.

Accordingly, the department's action is **HEREBY REVERSED**. The department is to process the application in accordance with this decision and order and department policy.

/s/

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

Date Signed: September 18, 2009

Date Mailed: September 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:

