

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.: 2009-25625
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 8, 2010
Wayne County DHS (82)

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 held in Redford, Michigan on Monday, March 08, 2010. The Claimant's authorized hearing representative, [REDACTED], appeared and testified, along with [REDACTED]. [REDACTED] observed the proceedings. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUES

1. Whether the Claimant/Representative's hearing request is timely?
2. Whether the Department properly processed the Claimant's October 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. In October of 2008, the Claimant/Representative submitted a public assistance application seeking MA benefits.
2. The Department did not send a Verification Checklist or notice of case disposition to the Claimant/Authorized Representative.
3. On April 30, 2009, the Department received the Claimant's written request for hearing protesting the Department's failure to process the application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903 Any hearing request which protests a denial, reduction, or termination of benefits must be in writing and signed by the Claimant, petitioner, or an authorized representative. MAC R 400.904(1) The client has 90 calendar days from the date of the written notice of case action to request a hearing. MAC R 400.901-.904; PAM 600 The request must be received anywhere in DSH within the 90 days. *Id.*

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, formerly 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 Any person, regardless of age, or his authorized representative, may apply for assistance. PAM 110 An authorized representative (“AR”) is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. PAM 110 An individual who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of the person, must have a signed authorization to act on behalf of the client, by the client, client’s spouse, parent(s) or legal guardian. PAM 110 An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. *Id.* The application form must be signed by the client or the individual acting as the authorized representative. *Id.* An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as the authorized representative. PAM 110 For MA purposes, an authorized representative must be designated in writing by the client. *Id.* 110 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/Representative submitted a MA application in October 2008. The Department did not dispute this fact. The caseworker who purportedly denied the application on December 15, 2008, did not participate in the hearing process. Further, the Department did not have record of the Verification Checklist and/or Eligibility Notification or other necessary documentation necessary to establish whether the Department followed policy. Ultimately, it is found that the Request for Hearing is timely in light of the fact that the Claimant/Representative never received notice of the case disposition. It is further held that the

Department failed to establish it followed department policy when processing the Claimant's October 2008 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 Request for Hearing is timely. Further, it is found that the Department failed to establish it acted in accordance with department policy when it failed to process the October 2008 application.

Accordingly it is ORDERED:

1. The Claimant/Representative's Request for Hearing is timely.
2. The Department shall re-register and process the Claimant's October 2008 application and notify the Claimant/Representative in writing of the determination in accordance with Department policy.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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 60 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:

