

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.: 2009-26357
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 4, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 January 4, 2010. Claimant was represented by [REDACTED] of [REDACTED].

ISSUE

Did claimant's authorized representative file an application with the Department of Human Services (DHS or department) at the Inkster District office on claimant's behalf on September 30, 2009?

FINDINGS OF FACT

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

- 1) On December 18, 2008, claimant's authorized representative filed an application with the department.

- 2) On April 6, 2009, claimant's authorized representative filed a hearing request to protest the denial of claimant's application.
- 3) On November 12, 2009, claimant's authorized representative filed a hearing request to protest the department's failure to act upon an application allegedly filed on September 30, 2009.
- 4) At the hearing, claimant's authorized representative withdrew its request for hearing regarding the December 18, 2008, application but indicated a desire to pursue the September 30, 2009, application which was alleged to have been filed at the Inkster District office.
- 5) At the hearing, the parties agreed that the issue in dispute was whether the claimant's authorized representative filed an application with the department at the [REDACTED] District office on September 30, 2009.
- 6) The department did not receive an application at the [REDACTED] District office from claimant's authorized representative on September 30, 2009.

CONCLUSIONS OF LAW

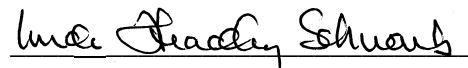
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

This case centers on the factual question as to whether claimant's authorized representative filed an application at the [REDACTED] District office on September 30, 2009. A careful

review of the hearing record fails to support the contention that an application was filed by claimant's authorized representative at the Department of Human Services' [REDACTED] District on September 30, 2009. Testimony from the department indicated that the department uses a date stamp which identifies the recipient as "[REDACTED] Reception Desk." The date stamp on claimant's Exhibit A, "Official Field Receipt," was a generic date stamp with no identifier of the recipient. Claimant's authorized representative was unable to establish that it filed an application on behalf of claimant on September 30, 2009, at the [REDACTED] District office. Accordingly, the department's failure to process an application of September 30, 2009, must stand.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant's authorized representative did not file an application with the Department of Human Services at the [REDACTED] District office on September 30, 2009.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 2, 2010

Date Mailed: March 9, 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 90 days of the filing of the original request.

2009-26357/LSS

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.

LSS/pf

cc:

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