

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: 2009-2729
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2009
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 July 8, 2009. Claimant did not appear; however, she was represented by [REDACTED]

ISSUE

Did the department properly process claimant's April 24, 2008 Medicaid (MA)/retro-MA application?

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 April 24, 2008, claimant's authorized representative ([REDACTED]) filed an MA/retro-MA application on claimant's behalf.

(2) When ██████ had heard nothing about it from the department by May 23, 2008, they made a written inquiry by fax with confirmation of receipt (Client Exhibit A).

(3) ██████ then faxed a second inquiry dated June 17, 2008, because the local office did not respond after their first inquiry was sent (Client Exhibit B).

(4) On September 25, 2008, ██████ filed a hearing request to compel application processing because they still had not received any communication from the local office regarding the disputed application (Department Exhibit #3).

(5) In response, the local office forwarded a Hearing Summary (DHS-3050) with their proposed exhibits to ██████, one of which was an MA/retro-MA denial notice (DHS-1150) dated June 2, 2008 (Department Exhibit #2).

(6) This was the first communication ██████ ever received about the application processing, as well as the first communication they ever received about the Verification Checklist (DHS-3503) referenced on it (Department Exhibit #1).

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).

The evidence of record is clear. Claimant's hearing request was not untimely under the facts and circumstances presented by this case because ██████ did not even receive the required denial notice until the department sent it to them with the Hearing Summary (DHS-3050) they

prepared in October, 2008. As such, the disputed application must be reinstated and processed as required by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in processing claimant's April 24, 2008 MA/retro-MA application.

Accordingly, the department's action is REVERSED and this case is remanded to the local office for application reinstatement and processing. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 8, 2009

Date Mailed: July 9, 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.

MBM/db

cc:

