

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: 2009-33694

Issue No: 2012

Case No:

Load No:

Hearing Date:

February 25, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 February 25, 2010. The Claimant's representative appeared and testified.

The Department failed to appear for the hearing. The hearing was held without Department representation.

ISSUE

Did the Department of Human Services (Department) fail to process Claimant's application for Medicaid (MA)?

FINDINGS OF FACT

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

1. On February 13, 2009, the Department received an application for MA and retro MA.
2. On July 8, 2009, the Department received a request for hearing.

3. July 28, 2009, the Department indicated, on a hearing summary, they were in the process of requesting verifications to process the application.

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).

In the present case, the Claimant's representative testified an application for MA was submitted on February 13, 2009 with a request for retro to November 2008. The Claimant's representative testified, to date, his agency had not received a request for verifications or a denial for the February 13, 2009 application. The Department, as indicated above, failed to attend the hearing and, therefore, no additional testimony was available to consider. The hearing summary completed by the Department, based upon the hearing request submitted on July 8, 2009, clearly indicates an application was being processed. This hearing summary fails to indicate any assertion that the application in question was not submitted. Therefore, it is presumed, based on the evidence and testimony given, that an application for MA and retro MA was received by the Department on February 13, 2009 and it has not been processed.

The relevant policy can be found in BAM Item 105, p.1 and p. 11:

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.

- Protect client rights.

On the same day a person comes to the local office, he has the right to file an application and get local office help to provide the minimum information for filing.

An application or DHS-1171-F, Filing Document, must be registered if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant.
- Address of the applicant.
- Signature of the applicant/authorized representative.

Determine eligibility and benefit amounts for all requested programs. A DHS-1171 application for cash assistance (FIP/SDA) is an application for medical assistance (MA/AMP), even if medical assistance is **not** checked as a program being applied for on page 1 of the application.

SSI recipients, Title IV-E recipients, special needs adoption assistance recipients and Department wards are automatically eligible for current MA.

Review the effect on eligibility whenever the client reports a change in circumstances. Actions must be completed within the time period specified in PAM 220.

At application and redetermination, thoroughly review all eligibility factors in the case.

At application, redetermination, semi-annual contact and mid-cert contact, **all** available automated systems matches to see if income has started, stopped or changed (e.g. Consolidated Inquiry (CI), SOLQ, etc.).

Do not check automated systems matches for Healthy Kids.

Application and redeterminations must be completed within the standards of promptness.


Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision.

The Claimant has proven an application was submitted and was not processed. The Department failed to process, determine, and notify Claimant's application for MA and retro MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it failed to process Claimant's application.

Accordingly, the Department is REVERSED and ORDERED to determine eligibility for MA and retro MA based on the original application dated February 13, 2009.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/26/10

Date Mailed: 03/26/10

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 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.

JWO/dj

cc:

