

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.: 2009-36294
Issue No.: 2000/2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 26, 2009
Oakland County DHS (2)

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 conducted from Madison Heights, Michigan on Monday, October 26, 2009. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's November 18, 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. The Claimant submitted a public assistance application seeking MA benefits retroactive from October 2008, on November 18, 2008.

2. On November 18, 2008, the Department sent a Verification Checklist to the Claimant requesting the documentation be submitted by December 1, 2008. (Exhibit 1a)
3. On November 26, 2008, the Claimant's authorized representative faxed to the Department a facility admission notice as well as an authorization for representation, signed by the Claimant (spouse) on November 5, 2008. (Exhibits 3, 5)
4. The Department denied receipt of the facsimile from the authorized representative.
5. On December 1, 2008, the verification due date was extended until December 8, 2008. (Exhibit 1b)
6. The Verification Checklist was not sent to the authorized representative.
7. On January 15, 2009, after the Department was unable to verify the Claimant's household income, the application was denied. (Exhibit 2)
8. The Eligibility Notice was not sent to the authorized representative.
9. On January 23, 2009, the Claimant filed a written request for hearing. (Exhibit 4)
10. On May 15, 2009, the Claimant's authorized representative submitted a written request for hearing.

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(1) Any hearing request which

protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902 - .904; PAM 600

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, formally 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 Clients must complete and sign public assistance applications. PAM 115 An application is incomplete until enough information is provided to determine eligibility. PAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115

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.*

In this case, the Claimant submitted a MA application in November 2008. The Department registered and processed the application in accordance with policy. Subsequently, on November 26th, the Claimant's authorized representative faxed the Department the signed authorizations to represent as well as the facility admission notice. The Department confirmed that fax number contained on the fax confirmation was the correct facsimile number. The authorized representative's information was never placed in the Claimant's file thus the verification checklists and eligibility notification were never sent to the authorized representative as required by policy. In light of the fact that the authorized representative did not receive notification of the denial, the hearing request is found timely. Ultimately, under these facts, the Department's determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Claimant's written request for hearing is timely. It is further found that the denial of the November 2008 application is not upheld.

Accordingly it is ORDERED:

1. The Claimant's request for hearing is timely.
2. The Department's determination is REVERSED.

3. The Department shall re-register and process the Claimant's November 2008 application in accordance with department policy and notify the Claimant and the representative of the determination.
4. 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: 11/05/09

Date Mailed: 11/05/09

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.

CMM/jlg

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