

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.: 2010-13827
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 8, 2010
Macomb County DHS (36)

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 February 8, 2010. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) receive an application for Medical Assistance (MA) on behalf of claimant on March 10, 2008?

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 March 10, 2008, claimant's authorized representative filed an application on behalf of claimant with the department which sought MA retroactive to December of 2007. (Claimant Exhibits A and B.)

- 2) Thereafter, in response to another application filed on August 1, 2008, the department opened MA for claimant retroactive to May of 2008.
- 3) On November 30, 2009, claimant's authorized representative filed a hearing request on claimant's behalf to protest the department's failure to respond to the March 10, 2008, application for benefits.
- 4) The department has no record of a March 10, 2008, application filed on claimant's behalf.
- 5) At the hearing, the parties agreed that the question in dispute was whether the department received an application for MA on behalf of claimant on March 10, 2008.

CONCLUSIONS OF LAW

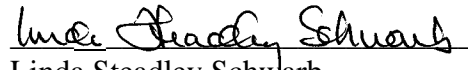
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department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

In this matter, the issue in dispute is the factual question of whether the department received an application for MA on behalf of claimant on March 10, 2008. The record supports a finding that it did. Claimant's authorized representative presented an application log which listed claimant's name, date of birth, and social security number with the department's date stamp of March 10, 2008. (Claimant Exhibit A.) Accordingly, the undersigned finds that the department did receive an application for MA on behalf of claimant on March 10, 2008.

Accordingly, the department is ordered to initiate consideration of claimant's March 10, 2008, application for MA. (See Claimant Exhibit B.) The department shall notify claimant and his authorized representative of its determination in writing.

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 did receive an application for Medical Assistance on behalf of claimant on March 10, 2008. The department shall initiate consideration of claimant's March 10, 2008, application for Medical Assistance. The department shall notify claimant and his authorized representative of its determination in writing.


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

Date Signed: March 29, 2010

Date Mailed: March 30, 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.

2010-13827/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:

