

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: 2010-17514
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
[REDACTED]
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 [REDACTED]. Claimant did not appear but her authorized hearing representative was present.

ISSUE

Did the Department of Human Services properly process Claimant's application for Medical Assistance (MA)?

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, 2009, [REDACTED] submitted an application for Medical Assistance (MA) on behalf of Claimant. [REDACTED] is the authorized hearing representative for Claimant.

(2) On October 28, 2009, the Department of Human Services Medical Review Team determined that Claimant was not disabled.

(3) On November 9, 2009, a Notice of Case Action (DHS-1605) was sent to Claimant. No notice of the Department's determination was sent to Claimant's authorized hearing representative.

(4) On January 7, 2010, the authorized hearing representative submitted a request for hearing on the issue of whether Claimant's application had been processed.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Department did process Claimant's application. However, notice of the Department's denial of the application was only sent to Claimant. The Department did not send notice of the denial to [REDACTED], Claimant's authorized hearing representative. That omission is an error that must be corrected.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly process Claimant's application for Medical Assistance (MA).

It is further ORDERED that the Department of Human Services send a currently dated denial of the April 24, 2009 application to [REDACTED] Claimant's authorized hearing represent.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 9, 2010

Date Mailed: April 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.

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.

GHF/alc

cc:

[REDACTED]