

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.: 2010-23158
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 2, 2010
Macomb County DHS (20)

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 held in Warren, Michigan on Wednesday, June 2, 2010. The Claimant did not appear however the Claimant's authorized hearing representative, [REDACTED] of [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department. [REDACTED] observed the proceedings.

ISSUES

Whether the Department properly processed the Claimant's June 18, 2009 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/Representative submitted an application for public assistance seeking MA benefits on June 18, 2009.
2. The Department did not send a verification checklist or notice of case disposition to the Representative.
3. On September 1, 2009, the Department denied the case based on the failure to provide requested verifications.
4. The Representative discovered that the case was no longer pending on or about September 1, 2009.
5. On November 19, 2009, the Department received the Claimant/Representative's written request for hearing.

CONCLUSIONS OF LAW

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, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

A request for public assistance may be in person, by mail, telephone or through an internet application. BAM 110 Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110 An authorized representative ("AR") is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 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. BAM 110 An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. BAM 110 The application form must be signed by the client or the individual acting as the authorized representative. BAM 110 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. BAM 110 For MA purposes, an authorized representative must be designated in writing by the client. BAM 110 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115

In this case, the Claimant/Representative submitted a MA application in June 2009. The Department did not dispute this fact. The Representative submitted some verification information (with the application) and did not receive a request for further verification(s). During the processing of this case, the caseworker was on medical leave so it was unclear exactly what happened with this case outside of the denial. There was no evidence to establish that the Claimant/Representative had refused to cooperate with the Department. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's determination is not upheld.

Accordingly it is ORDERED:

1. The Department's determination is not upheld.
2. The Department shall re-register and process the Claimant's June 2009 application and notify the Claimant/Representative in writing of the determination in accordance with Department policy.

3. 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: 06/10/2010

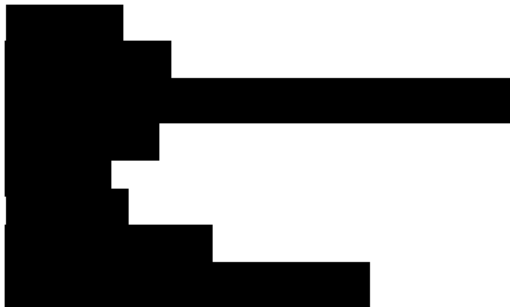
Date Mailed: 06/10/2010

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 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/cjp

cc:

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