

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-29715
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
DHS County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and upon Claimant's request for a hearing. After due notice, a telephone hearing was held on October 21, 2010. Claimant's Authorized Representatives, [REDACTED] appeared and testified for Claimant. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in processing Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

- (1) Claimant applied for MA on August 28, 2009.
- (2) The Department testified that the application was submitted to the Medical Review Team in September 2010 and that a determination by the Medical Review Team is pending.
- (3) No explanation was given by the Department for the delay in the application being submitted to the Medical Review Team.
- (4) Claimant requested a hearing on March 4, 2010, requesting the immediate processing of his MA application.

CONCLUSIONS OF LAW

MA 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 (formerly known as the Family Independence Agency) 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).

Department policy dictates the Standard of Promptness:

FIP, SDA, RAP, CDC, MA and AMP Only

- Certify program approval or denial of the application within 45 days.
- Bridges automatically generates the client notice and if applicable, the CDC provider notice.

Exceptions:

- 15 days for all pregnant Medicaid applicants.
- 30 days for Refugee Assistance Program (RAP) applicants. • 60 days for SDA applicants.
- 90 days for MA categories in which disability is an eligibility factor. The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

BAM 115.

In the present case, Claimant's application was filed in August 2009. The application was sent to the Medical Review Team in September 2010. No explanation was given for the delay in processing the application. The Department has failed to process the application within the standard of promptness. BAM 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the processing of Claimant's MA application, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's application shall be processed immediately.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 25, 2010

Date Mailed: October 27, 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.

AM/pf

cc:

