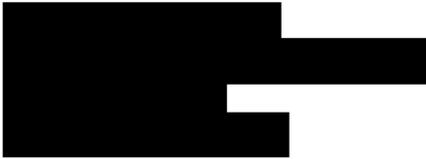


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 201031234
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 23, 2010
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Jana Bachman

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 a hearing. After due notice, a telephone hearing was held on June 23, 2010. Claimant did not appear at hearing. Claimant was represented by [REDACTED].

ISSUE

Whether the department properly denied 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 a material fact:

1. February 7, 2009, the department received an incomplete application for claimant filed by a corporation that asserted to have verbal authorization to act as claimant's representative. The application contained only signatures of the corporation's employees. It did not contain claimant's signature.
2. March 11, 2009, the department sent to claimant and corporation a Verification Checklist (DHS-3503) indicating required proofs. Also sent to claimant and corporation were an Authorization to Release Information (DHS-1550) and Notice of Missing Information (DHS-330). Due date was set for March 23, 2009. Department Exhibit A, p 4.
3. March 24, 2009, the department denied the incomplete application.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (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).

Application may be made on behalf of the client by his spouse, parent, legal guardian, adult child, stepchild, specified relative or any other person provided the person is at least age 18 or married. If this person is not a spouse, parent, legal guardian, adult child, stepchild, or 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. The application form must be signed by the client or the individual acting as his authorized representative.

When an assistance application is received in a local office without the applicant's signature or without a signed document authorizing someone to act on applicant's behalf the department must do the following:

- Register the application as a request if it contains a signature.
- Send a DHS-723, Incomplete Application Notice, to the agency or the individual who completed the application.
- Send a DHS-330, Notice of Missing Information, to the client explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.
- Allow 10 days for a response. The department cannot deny an application due to incompleteness until 10 calendar days from the date of the initial request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.
- Record the date the application or filing form with the minimum information is received. The application must be registered and disposed of on Bridges, using the receipt date as the application date.
- 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 their authorized representative. Bridges Administrative Manual (BAM) 110; 42 CFR 435.906-908.

In this case, the department received an incomplete application on February 7, 2009. The application was incomplete because the corporation filing the application was not properly authorized by the claimant to act on his behalf. The corporation's application cover sheet contained a note to the effect that it had been "verbally" authorized as the representative. Written, not verbal, authorization is required by department policy. Lacking a proper signature, the application did not contain the minimum required information. Finding of Fact 1; BAM 110.

March 11, 2009, the department sent claimant and corporation a Verification Checklist and Incomplete Application Notice indicating the need for either a signed authorization or an application signed by claimant. A corporate employee indicated on a March 23, 2009 fax to the department that "it is my understanding that a completed DHS-1171 was sent to you office on 3/3/09". It is unclear whether the author of the letter is referring to the original incomplete application or another document. In any case, no completed application and no proper authorization to represent were provided to the department by the March 23, 2009 deadline. Finding of Fact 2. Department policy does not include a provision for extending the time frame beyond 10 days to preserve an application date when the application is incomplete. BAM 110.

March 23, 2009, the department properly denied the incomplete application. Finding of Fact 3.

DECISION AND ORDER

After careful examination of the record and for reasons discussed above, the Administrative Law Judge decides that the department properly denied claimant's incomplete application for Medical Assistance.

Accordingly, the department's action is UPHELD.

/s/ _____
Jana Bachman
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 9, 2010

Date Mailed: August 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.

201031234/JAB

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.

JAB/vc

cc:

