

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

IN THE MATTER OF THE CLAIM OF:



Reg No.: 2010 35576
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 1, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 July 1, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly process the Claimant's application for Medicaid (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. The Claimant's RSDI entitlement date is June 2007.
2. June 17, 2009, the Claimant submitted an application for MA with a request for retro back to March 2009.
3. On December 11, 2009, the Claimant's representative requested a hearing for failure to process an 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

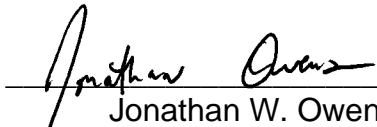
In the instant case, the Claimant's representative requested a hearing after an application submitted on June 17, 2009 appeared not to be processed. The representative testified they never received a notice of decision regarding this application or the retro MA requested. The Department testified that the worker, at the time, had processed the application and determined the Claimant ineligible based upon excess income. No budgets or notices of this decision were provided to illustrate this actually occurred. However, this is a mute point since the Claimant nor his representative received notice of the case action nor does it appear the Department opened a spend-down case. Since the record is unclear as to what actually did occur with the application in question and no documentation was presented to support the assertion, a budget was in fact ran. This Administrative Law Judge is left with nothing but unsupported testimony from the Department.

It is clear that no case action notices were generated to the parties for the application in question. This Administrative Law Judge finds that the Department failed to process the application. Based upon the lack of any evidence to support, the application was in fact processed.

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 was not acting in compliance with Department policy when it failed to process the Claimant's application dated June 17, 2009.

Accordingly, the Department's decision is REVERSED. The Department is ORDERED to process the June 17, 2009 application, including the request for retro MA, and if found eligible, the Department is to activate coverage accordingly.


Jonathan W. Owens
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/13/10

Date Mailed: 07/13/10

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.

JO/DJ

cc:

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