STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: █████████ ,

        Claimant

Reg. No: 2010-39207
Issue No: 2012
Case No: ████████
Load No: █████████
Hearing Date:
July 8, 2010
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

<u>HEARING DECISION</u>

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 telephone hearing

was held on July 8, 2010. Claimant was represented by ██████████████

<u>ISSUE</u>

Whether the Department of Human Services (department) properly determined

claimant's eligibility for Medical Assistance (MA).

<u>FINDINGS OF FACT</u>

The Administrative Law Judge, based upon the competent, material and substantial

evidence on the whole record, finds as material fact:

(1)   June 29, 2009, claimant's representative applied for MA on claimant's behalf.

(2)   The department registered this application.

(3)   The department has never disposed of the registration or certified the eligibility

results or provided notice to claimant and representative regarding this application.

2010-39207/jab

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual

(PRM).

Department manuals provide the following policy instructions for caseworkers:

Following registration of the application, the department must do all the following:

- Interview clients when required by policy.

- Certify eligibility results for each program within the applicable standard of
  promptness.

- BRIDGES automatically generates a client notice informing them of the
  eligibility decision. Bridges Eligibility Manual (BEM) 115; 42 CFR 431, 435.

In this case, claimant's representative asserts filing an application and never received a

response from the department. At hearing, the department conceded that the eligibility was not

certified and no notice had been sent regarding the June 2009 application filed by claimant's

representative. The department testified that it did not process the application because it had

recently found claimant to not be eligible for Medical Assistance and had denied a previous

application. As stated above, department policy clearly requires that this application be processed

regardless of previous denials of the same program. Accordingly, the claimant has met its burden

of proof and the department's action cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly process claimant's application for assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's eligibility for Medical Assistance in compliance with deparment policy and this Decision and Order.

/S/_____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _August 30, 2010_____

Date Mailed: _August 31, 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.

JAB/db

cc: