

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:

[REDACTED]

Reg. No.: 201046317  
Issue No.: 2007  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 28, 2010  
Macomb County DHS (12)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 October 28, 2010. The claimant appeared and testified. The claimant was represented by his Authorized Representative (AR) [REDACTED], [REDACTED].

**ISSUE**

Whether the Department was correct in denying the claimant's 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. On December 9, 2009, the Claimant filed an application for MA and retroactive MA.
2. On January 26, 2010, the department sent the claimant a medical Determination verification checklist.
3. On February 10, 2010, the department denied the claimant's MA application and retroactive applications.
4. On May 10, 2010, the claimant's AR filed a request for a hearing.

**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).

In this case the Department did not provide evidence that it sent the medical determination checklist to the claimant's AR.

**AUTHORIZED REPRESENTATIVES**

**All Programs**

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (PAM 110, p.7).

In the instant case, the Department failed to send the medical appointment information to the claimant's AR. Therefore, the Department effectively did not send a checklist request.

The undersigned finds that the department incorrectly denied the claimant's MA.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES** and **ORDERS** the department to reregister the Claimant's December 9, 2009, MA and retroactive MA applications.



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Michael J. Bennane  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 11/17/2010

201046317/MJB

Date Mailed: 11/22/2010

**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.

MJB/jlg

cc:

