

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-47576
Issue No: 2009
Case No: [REDACTED]
Hearing Date: June 22, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

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 June 22, 2011. The claimant did not appear, but was represented by [REDACTED]

ISSUE

Did the department properly process the 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. The claimant submitted an application for MA benefits on June 8, 2009, (requesting RCH coverage). The client indicated that he was able to work on this application. (Claimant Exhibit 1 – 24)
2. On July 13, 2009, the department mailed the claimant a Notice of Case Action (DHS-1605) that indicated the MA application had been denied. (Department Exhibit 10)
3. On September 14, 2009, [REDACTED] filed a new application for MA benefits based on disability and requested the application be an amendment to the June 8, 2009, application. (Claimant Exhibit 25 – 32)
4. The claimant's representative submitted a hearing request on June 15, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

Date of Application All Programs

Faxed and Paper Applications

The date of application is the date the local office receives the required minimum information on an application or the filing form. If the application or filing form is faxed, the transmission date of the fax is the date of application. Record the date of application on the application or filing form. The date of application does **not** change for FIP, SDA, MA, CDC or AMP when the application is transferred to another local office. BAM 110.

Response to Applications

All Programs

An application or filing form, with the minimum information, must be registered on Bridges **unless** the client is already active for that program(s); see [REGISTERING APPLICATIONS](#) in this item. If there is no record on Bridges, the system assigns individual ID number(s) and an application number.

Note: A person may withdraw an application at any time before it is disposed on Bridges; see [WITHDRAWN APPLICATION](#) in this item. BAM 110.

The claimant's representative is asserting that the September 14, 2009 application was submitted as an amendment to the June 8, 2009 application. The June 8, 2009 application did not request the applicant to be considered for disability-related MA, as the claimant indicated he was capable of work. The June 8, 2009 application does not assert the claimant is disabled and should be considered for MA based on disability, but retroactive to the June 8, 2009 application.

The claimant's representative points to BAM 115, Application Processing, as authority to amend an application. The pertinent part states, "While an application is considered valid, the client may update the current application rather than complete a new one to add or transfer programs or add a member." BAM 155, page 10.

However, this Administrative Law Judge is unable to find the representative's argument persuasive. The department provided a Notice of Case Action (DHS-1605) dated July 13, 2009 that denied the claimant's June 8, 2009 application. Therefore, the June 8, 2009 application was not still pending when the second application was submitted on September 14, 2009. The representative indicates that he did not receive a copy of this denial. However, even if this is true, it would only toll the time limitations for the representative to submit a hearing request, not negate the department's processing of the application. Thus, it is clear that the application was not still pending when the "amending" application was submitted.

However, it is noted that the department was unable to show that the September 14, 2009 application submitted for MA based on disability was processed. Therefore, the department shall process this application and issue a determination to the client and his representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did properly deny the claimant's MA/retro MA application of June 8, 2009. This portion of the department's determination is UPHeld.

However, the department did fail to process the claimant's September 14, 2009 application. Thus, this portion of the department's determination is REVERSED. The department shall process the claimant's September 14, 2009 MA/retro MA application. It is SO ORDERED.

Suzanne

/s/
L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 14, 2011

Date Mailed: July 20, 2011

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.

SM/ac

cc:

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