

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-53978
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 2, 2010
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 December 2, 2010. Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Did the department properly deny claimant's application for Medical Assistance (MA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for MA on August 24, 2009.
2. The Department denied Claimant's application on August 24, 2009.
3. Claimant did not receive a notice of denial or any other correspondence from the Department.

CONCLUSIONS OF LAW

The 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 (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).

Bridges requires that copies of all correspondence or requests for additional information are sent to the client and his representative. BAM 110, 115. For instance, BAM 115 states, in part:

When an incomplete application is filed, retain the application and give or send the client the DHS-3503, Verification Checklist. Inform the client of the:

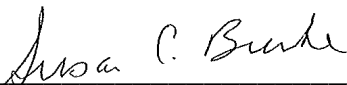
- Request for contact to complete missing information.
- Due date for missing information.
- Interview date, if applicable.

BAM 115, p. 3.

In the present case, the Department presented no proof through testimony or documentation that Claimant was given notice of the denial or any other documentation after the application was submitted on August 24, 2009, nor did the Department offer proof as to why the application was denied. Without substantiation from the Department, it can only be concluded that the Department was incorrect in denying the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's application for Medical Assistance was incorrect and, therefore, is REVERSED. It is ORDERED that Claimant's application shall be reprocessed as of the date of application, August 24, 2009, retroactive to July 2009.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 14, 2010

2010-53978/SCB

Date Mailed: December 14, 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.

SCB/pf

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