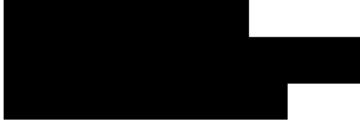


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 20107473  
Issue No.: 2012  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: August 11, 2010  
Oakland County DHS (4)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 August 11, 2010. The claimant appeared and testified. The Claimant was represented by his Authorized Representative (AR), [REDACTED]. The Department also appeared through its representative.

**ISSUE**

Whether the Department was required to register the Claimant's second application for Medicaid Disability filed December 15, 2008.

**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 November 12, 2008, the Claimant filed an application for Medicaid Disability and SDA. Exhibit 4 pages 1 -14.
2. On December 15, 2008 the Claimant's Authorized Representative filed a second application for Medicaid Disability while the Claimant's first application for Medicaid Disability was pending. Exhibit 5
3. The Claimant's authorized representative was faxed notice of the denial of the SDA and MAP applications by the Department. Exhibit Exhibits 6 and 7.
4. The Medical Review Team denied the SDA application on April 27, 2009. Exhibit 4, page 15.

5. The Medical Review Team denied the MAP application on May 23, 2009. Exhibit 4, page 17.
6. The Department did not register the Claimant's second application for Medicaid Disability of December 15, 2008.
7. The Claimant's authorized representative filed a request for hearing on July 7, 2009 requesting that the Department re register and reprocess the December 15, 2008 application for Medicaid with retro active coverage to September 2008. Claimant Exhibit 1

### **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).

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM) and Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

PAM 110, page 6 requires:

An application or filing form, with minimum information, must be registered on ASSIST unless the client is already active for that program(s).

PAM 105, page 1 requires:

An application or filing form, whether faxed or mailed, must be registered with the receipt date.

On the same day person comes to the local office, s/he has the right to file an application....

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An application/filing form with the minimum information must be registered in Bridges using the receipt date as the application date...

In this case the Department denied the Claimant's first application of November 12, 2010, 2008 application for Medicaid Disability May 23, 2009 and SDA on April 27, 2009. The Department never registered the second and subsequent application dated December 15, 2008. The second application was filed but not registered by the Department as required. BAM 105 and BAM 110.

The undersigned finds that the Department's decision not to register the Claimant's second application dated December 15, 2008 was in error.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's decision not to register the Claimant's second application for Medicaid Disability was in error.

Accordingly, the Department's decision is REVERSED.

The Department is ORDERED to register the Claimant's Medicaid Disability application dated December 15, 2008.



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Lynn M. Ferris  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 8/13/2010

Date Mailed: 8/13/2010

**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.

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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.

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cc:

