

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No.: 2010-7880
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 14, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a hearing was held in Clinton Township, Michigan on Thursday, January 14, 2010. The Claimant did not appear. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's October 30, 2008 Medical Assistance ("MA") application?

FINDINGS OF FACT

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

1. On October 30, 2008, the Claimant submitted a public assistance application seeking MA benefits.
2. The Claimant has minor children in the home.

3. Due to department error, the application was processed as a MA-P versus a MA-N application.
4. On January 8, 2009, the Department notified the Claimant of the denial.
5. The authorized representative was not provided notification of the denial.
6. The Department agreed to reprocess the application and in September of 2009, sent Verification Checklists to the Claimant/Representative.
7. The Department acknowledged it failed to reprocess the application as a MA-N case.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110 Clients must complete and sign public assistance applications. BAM 115 An application is incomplete until enough information is provided to determine eligibility. BAM 115 Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110 An authorized representative (“AR”) is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110 An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. *Id.* The application form must be signed by the client or the individual acting as the authorized representative. *Id.* An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing

the agency to act as the authorized representative. BAM 110 For MA purposes, an authorized representative must be designated in writing by the client. *Id.* If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115

On October 30, 2008, the Department received the Claimant's application for medical assistance. Due to department error, the application was processed as an MA-P versus a MA-N case. Further, the MA-P denial was not sent to the authorized representative as required by policy. The authorized representative was in contact with the department, which had agreed to reprocess the application under the proper MA category. This was not done. In the light of the foregoing, the Department has agreed to reprocess the October 2008 application in accordance with policy. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall reprocess the October 2008 application, as agreed, and notify the Claimant and her authorized representative of the determination in writing in accordance with department policy.
3. The Department shall supplement for any lost benefits (if any) the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 2/09/2010


Date Mailed: 2/09/2010

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.

CMM/jlg

cc:

A large black rectangular redaction box covers the names and email addresses of the recipients listed under the 'cc:' field.