

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.: 201017437
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 18, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 in person hearing was conducted on March 18, 2010. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED], MCW, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance Program (MA-P) benefits following a 9/16/09 Decision by Administrative Law Judge Colleen Mamelka?

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 appealed a denial of MA benefits and a hearing was conducted by Administrative Law Judge Colleen Mamelka on August 26, 2009.

2. A Decision and Order was issued on September 16, 2009 reversing the Department's denial of MA-P and ordering that the Claimant be supplemented with benefits that he would have received.
3. As of the date of this hearing, March 18, 2010, the Department admitted that it had not processed the MA-P per the 9/16/09 Order.
4. The Department failed to timely process the 9/16/09 Order.
5. The Department received Claimant's request for a hearing on December 1, 2009.

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 400.1 *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

The Department is required to process applications within the standard of care set forth in the applicable regulations. Final action on hearing requests, including implementation of the Decision and Order (D & O), must be completed within 90 days. The standard of promptness begins on the date the hearing request was first received by any local office or at DHS or DCH central office. BAM 600, pp. 5-6.

In this case, the record is clear. A Decision and Order was entered requiring that the Department reverse its decision, take action to effectuate MA eligibility and supplement the Claimant for lost benefits. The Department admitted that this has not

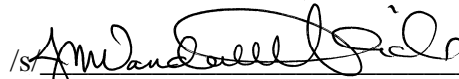
been done. Accordingly, the Department has failed to timely process the 9/16/09 Decision and Order.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds as followed:

It is ORDERED that

1. The Department failed to comply with the standard of care and process the Claimant's 9/16/09 favorable MA decision in a timely manner.
2. The Department shall initiate review of the July 7, 2008 application to determine if all other non-medical criteria are met and inform the Claimant and his representative of the determination.
3. The Department shall supplement the Claimant any lost benefits he was entitled to receive, if otherwise eligible and qualified in accordance with department policy.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 6, 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 60 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.

JV/hw

cc:

