

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.: 201024128

Issue No.: 2018

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 14, 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, an in-person hearing was conducted on April 14, 2010 in Detroit, Michigan. The Claimant was represented by [REDACTED]. [REDACTED] MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance Program (MA-P) benefits after Claimant did not show for a scheduled appointment?

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 applied for MA benefits on 2/20/09.

2. Claimant's application was denied for the reason that Claimant never showed for a scheduled appointment. (See Hearing Summary).
3. The Department did not include a notice of denial in the hearing summary. Nor was one presented at the hearing.
4. The Department did not have a copy of the Claimant's application at the hearing.
5. Claimant presented a copy of the application (stamped with the representative company name, Exhibit A, p. 64), a signed authorization for representation (Exhibit A, p. 4), and a hospital transfer notice date stamped as received by the Department on 2/20/09 (Exhibit A, p. 1).
6. Claimant's representative testified that the authorized representative was never notified of a scheduled appointment date or even the denial of the application until September, 2009.
7. The Department received Claimant's request for a hearing on September 8, 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).

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110, p. 1. Clients must complete and sign public assistance applications. BAM 115, p. 1. An application is incomplete until enough information is provided to determine eligibility. BAM 115, p. 3. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or

authorized representative. BAM 105, p. 1. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115, p. 8. The date of application is the date the local office receives the required minimum information on an application. BAM 110, p. 5. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115, p. 15.

Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110, p. 4. 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, p. 6. An individual, who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of the person, must have a signed authorization to act on behalf of the client, by the client, client’s spouse, parent(s) or legal guardian. BAM 110, p. 7. An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. BAM *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. BEM 110, p. 8. For MA purposes, an authorized representative must be designated in writing by the client. *Id.*

In the subject case, the evidence presented reveals that the Claimant submitted an application on 2/20/09 with [REDACTED] [REDACTED] listed as the authorized representative (AR). Standing in the place of the Claimant, the AR should have been notified of any appointments, verifications needed and denials. This was not done. Accordingly, based on the facts and evidence in the record, the Administrative Law Judge finds that the Department


improperly denied Claimant's MA application and that the hearing request regarding the denial was timely. The Department's decision to close Claimant's MA case is REVERSED.

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 denial of the 2/20/09 MA application is REVERSED.
2. The Department shall reopen and reprocess the application as if there were no dates of closure, in accordance with department policy.
3. If the Department finds that Claimant qualifies for MA, the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive including any retroactive benefits applied for.
4. The Department shall notify Claimant's AR, in addition to Claimant of any case action.

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

Date Signed: April 23, 2010

Date Mailed: April 23, 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.

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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:

