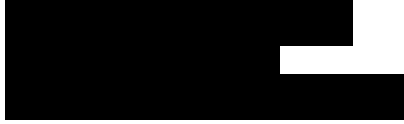


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-24167  
Issue No: 2012-4001  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
September 16, 2010  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on September 16, 2010. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) fail to process Claimant's application for Medicaid (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On September 22, 2009, the Department received an application for MA and SDA.
2. On November 12, 2009, the Claimant requested a hearing do to the failure of the Department to process her application.
3. On December 22, 2009, the Department processed the Claimant's MA and SDA application and sent it to MRT.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the Department failed to take any action on the application submitted to it on September 22, 2009 until the Claimant requested a hearing on November 12, 2009. The Department appears to have failed to determine eligibility as required by Department policy. Instead, the Department began processing the Claimant's application only after a hearing request was submitted.

The relevant policy can be found in BAM Item 105, p.1 and p. 11:

#### All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

On the same day a person comes to the local office, he has the right to file an application and get local office help to provide the minimum information for filing.

An application or DHS-1171-F, Filing Document, must be registered if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant.
- Address of the applicant.
- Signature of the applicant/authorized representative.

Determine eligibility and benefit amounts for all requested programs. A DHS-1171 application for cash assistance (FIP/SDA) is an application for medical assistance (MA/AMP), even if medical assistance is **not** checked as a program being applied for on page 1 of the application.

SSI recipients, Title IV-E recipients, special needs adoption assistance recipients and Department wards are automatically eligible for current MA.

Review the effect on eligibility whenever the client reports a

change in circumstances. Actions must be completed within the time period specified in PAM 220.

At application and redetermination, thoroughly review all eligibility factors in the case.

At application, redetermination, semi-annual contact and mid-cert contact, **all** available automated systems matches to see if income has started, stopped or changed (e.g. Consolidated Inquiry (CI), SOLQ, etc.).

Do not check automated systems matches for Healthy Kids.

Application and redeterminations must be competed within the standards of promptness.

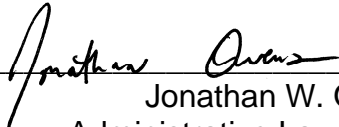
Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision.

The Claimant was clearly denied timely processing of her application.

This ALJ, however, is concerned that the Claimant's ability to request a hearing on the subsequent denial of MA and SDA was impeded by the Department's action. The Claimant testified credibly she had received a denial notice on her MA and SDA application in 2010 after her original hearing request. She testified she spoke to the hearings coordinator regarding the denial and had asked about a hearing. The Claimant testified she was told she already had a hearing scheduled for the matter. However, this information was inaccurate. This ALJ only has jurisdiction over the matter expressed in the hearing request dated November 12, 2009 regarding, specifically, the Department's failure to process her application. This ALJ has no current authority to issue a decision regarding a subsequent denial of MA and SDA. This inaccurate information truly prevented the Claimant from filing a timely hearing request on her MA and SDA denial.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it failed to process Claimant's application timely.

  
Jonathan W. Owens  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 09/17/10

Date Mailed: 09/17/10

**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.

cc:

