

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:

[REDACTED]

Reg. No.: 201030536
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 23, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 September 23, 2010. [REDACTED]

[REDACTED] appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

ISSUE

Whether DHS properly failed to process Claimant's 4/24/09 application for Medical Assistance (MA) benefits.

FINDINGS OF FACT

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

1. A completed application requesting MA benefits for Claimant was submitted on 4/24/09.
2. DHS did not determine Claimant's eligibility for MA benefits for benefit months 4/2009-9/2009.
3. Claimant was eligible for MA benefits beginning 10/2009.

4. On 1/19/10, Claimant's authorized hearing representative, [REDACTED], requested a hearing concerning the failure by DHS to determine Claimant's eligibility for MA benefits from 4/2009-9/2009.

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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

For MA benefits, DHS has 45 days to certify program approval or denial of the application. BAM 115 at 11. In the present case, an application dated 4/24/09 was submitted requesting MA benefits for Claimant. DHS has still not made any determination for Claimant's MA benefits for 4/2009. DHS did not attempt to explain the reason Claimant's application was not processed and agreed that some determination should be made concerning Claimant's MA benefit eligibility. Claimant's representative seeks MA benefit eligibility for Claimant beginning with benefit month 4/2009. It is found that DHS failed to timely process Claimant's request dated 4/24/09 for MA benefits and that DHS shall determine Claimant's eligibility beginning with benefit month 4/2009.

DHS and Claimant's representative agree that DHS determined Claimant's eligibility for MA benefits beginning 10/2009. Thus, DHS need only determine Claimant's MA benefit eligibility from 4/2009-10/2009.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly failed to determine Claimant's eligibility for MA benefits for benefit months from 4/2009-9/2009. It is ordered that DHS shall commence the process of determining Claimant's eligibility for MA benefits from 4/2009-10/2009 by making

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requests for necessary verification in accordance with DHS regulations.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: September 30, 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 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.

CG/hw

cc:

