

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-34844
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Wayne County DHS (17)

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, October 28, 2010. The Claimant did not appear however his Authorized Representative, [REDACTED] of [REDACTED], appeared and testified on his behalf. [REDACTED] and Valinda Davis appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's October 30, 2009 Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. On October 30, 2009, the Claimant submitted an application for public assistance seeking MA-P benefits. (Exhibit 1)
2. On December 1, 2009, the Claimant submitted another MA-P application.
3. The December 1, 2009 application was denied based on excess income.
4. The October 30, 2009 application was not registered and/or processed.

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, formally 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 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. BAM 110 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115

In this case, the AR submitted documentation establishing that an application for MA-P benefits was filed on October 30, 2009. The Department did not have the application nor was it registered and/or processed. The AR agreed to reproduce a copy of the application and supporting documentation in order to allow the Department to register and process the application in accordance with department policy. Accordingly, the Department’s failure to register and process the Claimant’s October 30, 2009 application is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department failed to act in accordance with department policy when it failed to register and process the Claimant’s October 30, 2009 MA-P application.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.

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2. The Department shall register and process the Claimant's October 30, 2009 application in accordance with department policy.
3. The Department shall notify the Claimant and his authorized representative of the determination in accordance with policy.
4. The Department shall supplement for any lost benefits (if any) that 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: 11/03/2010

Date Mailed: 11/03/2010

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.

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