STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:
[redacted]

Reg. No: 201044170
Issue No: 2012
Case No: [redacted]
Load No: 8219012200
Hearing Date:
[redacted]
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [redacted]

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 [redacted]

ISSUE

Did the Department properly allow claimant to withdraw her 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) Claimant's authorized representative, [redacted] filed a MA application on behalf of the claimant on [redacted]

(2) On [redacted] claimant attempted to withdraw her MA application.

(3) Claimant had not withdrawn her authorization to represent when she attempted to make this withdrawal of her application.

(4) DHS allowed the withdrawal of the MA application, and did not process the application in question.

(5) On [redacted], DHS received a hearing request to compel DHS to process the application in question.

(6) Claimant was represented at hearing by [redacted] of [redacted]

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

Claimant applied for MA on [redacted] On [redacted] claimant apparently withdrew her application by telephone. While there are some questions as to whether or not claimant actually withdrew the application on this date, the undersigned feels that this area of inquiry is ultimately irrelevant; claimant never had the power to withdraw the application in question.

A client may withdraw an application at any time. BAM 110. However, if there is an authorized representative in the case at hand, the client may not withdraw the application before signing a revocation of authorized representation. BAM 110. It is undisputed that claimant never revoked [redacted] right to represent claimant. Therefore, claimant did not have the authority to withdraw the application herself.

The only remaining question, therefore, is whether the Department was aware that claimant had an authorized representative. After reviewing the evidence in the case file, the undersigned must answer that question in the affirmative. Claimant's application was sent to the Department on [redacted] The return address on the envelope was for [redacted] Furthermore, Department Exhibit 5 shows that on [redacted], [redacted] wrote the Department inquiring as to the status of the application; in this letter, they listed themselves as authorized representative. The application in question, Claimant's Exhibit 1, has [redacted] listed as the authorized representative on page 15. While the text is small, and somewhat camouflaged in respect to the application, it is there, and shows [redacted] as a representative. Finally, [redacted] submitted an appointment letter signed by the claimant that appointed [redacted] as authorized representative in [redacted] Finally, in the Department's own hearing summary, the Department admits that [redacted] was the party that submitted the application in question.

Each one of these pieces of evidence, taken on its own, would not be enough to definitively say that [redacted] notified the Department that they were the authorized representative. However, when taken as a whole, the evidence packet paints, beyond a doubt, that [redacted] was the representative and the Department should have been aware of this fact. Therefore, as [redacted] was the representative, and the Department was aware of this fact, the Department erred when they allowed the claimant to withdraw the application in question without the claimant first revoking [redacted] appointment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect when they allowed the claimant to withdraw the MA application of [redacted]

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process the MA application of [redacted]

[redacted]
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/03/11

Date Mailed: 05/05/11

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.

RJC/dj

cc: [redacted]
Wayne County DHS (Dist #19) / DHS-1843
[redacted]
Administrative Hearings