

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.: 201044480  
Issue No.: 2012  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 25, 2010  
Oakland County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2010. The Claimant's Authorized Representatives, [REDACTED], from [REDACTED] appeared and testified for the Claimant. Nobody appeared on behalf of the Department.

**ISSUE**

Was the Department correct in denying Claimant's MA 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 applied for Medicaid on November 6, 2009 with a request for retroactive coverage.
- (2) Claimant's application has not been processed.
- (3) Claimant submitted medical records but those records were never passed on to the Medical Review Team.
- (4) Claimant requested a hearing on April 26, 2010 contesting the denial of his Medicaid application.

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 Program Reference Manual (PRM). The Medical Assistance program was designed to assist needy persons with medical expenses.


Department policy dictates the standard of promptness--FIP, SDA, RAP, CDC, MA and AMP Only Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. **Exceptions:** • 15 days for all pregnant Medicaid applicants. • 30 days for Refugee Assistance Program (RAP) applicants. • 60 days for SDA applicants. • 90 days for MA categories in which disability is an eligibility factor. BAM 115.

In the present case, the Department failed to appear at the scheduled hearing despite numerous attempts to contact the Department. The hearing was held without the Department participating. Claimant's representative presented uncontradicted testimony that the Claimant submitted medical records that were not forwarded to the Medical Review Team. Claimant's representative further testified that the application has not been processed. This is contrary to Department policy and fails the standard of promptness. BAM 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the processing of Claimant's MA and retroactive MA applications, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's MA and retroactive MA applications shall be processed immediately. Claimant's medical records shall be submitted to the Medical Review Team.

/s/

  
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Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

201044480/AM

Date Signed: October 28, 2010

Date Mailed: October 28, 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.

AM/hw

cc:

