

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

IN THE MATTER OF:



Reg. No: 201045880
Issue No: 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 3, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 January 3, 2011.

ISSUE

Did the Department process 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 MA in August 2009.
- (2) This application was faxed to the Department.
- (3) The application in question was never processed.
- (4) Claimant re-applied for MA on March 29, 2010.
- (5) Claimant applied for retroactive MA on this date.
- (6) The retroactive MA application was never processed.

- (7) Claimant requested a hearing on April 23, 2010, regarding the failure to process the August 2009, application.
- (8) Claimant was represented at hearing by [REDACTED], his authorized representative.

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) and Reference Tables (RFT).

Claimant applied for Medicaid on August 19, 2009. Claimant verified this application by submitting into evidence as Claimant Exhibit 1 and 2, a copy of the original application, and a fax confirmation that shows that it was received by the Department on August 19, 2009. The Department confirmed that this application was never processed. Claimants have the right to have all applications processed. BAM 105, 115. While the undersigned suspects that the application may have been overlooked due to the chaos of the switch to the Bridges system that was occurring at the time of the application submission, the application must still be processed.

Furthermore, the Department testified that there was a retroactive MA application submitted at the time of the claimant's current March 2010, application. This application has also not been processed, according to Department testimony, and should be processed with all haste.

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 it failed to process claimant's August 19, 2009 MA application, and claimant's March 29, 2010 retroactive MA application.

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

The Department is ORDERED to process the applications in question.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 06/03/11

Date Mailed: 06/07/11

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:

