

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.: 201048628
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 November 8, 2010. The claimant appeared and testified. The Claimant was represented by his Authorized Representative (AR), [REDACTED]

ISSUE

Did the Department properly open the Claimant's Medical Assistance (MA), and retroactive MA?

FINDINGS OF FACT

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

1. On February 4, 2010, the Claimant's AR filed an application for MA and retroactive MA.
2. On March 24, 2010, the department denied the claimant's applications for lack of a correct signature.
3. On June 18, 2010, the Claimant, through his AR, requested a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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

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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).

Here, the department argues that because the claimant's application was not signed by either the claimant or an authorized representative (AR) it must be denied.

The department cites Bam 110 to support its action.

MA Only

Application may be made on behalf of a client by his spouse, parent, legal guardian, adult child, stepchild, specified relative or any other person provided the person is at least age 18 or married. If this person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative the person must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s) or legal guardian. (PAM 110, p.8).

However, the department failed to correctly apply the above policy.

When an assistance application is received in the local office without the applicants signature or without a signed document authorizing someone to act on the applicants behalf you must do the following:

Register the application as a request if it contains a signature.

Send a DHS-330, Notice of Missing Information, to the client explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.

Allow 10 days for a response. You cannot deny an application due to incompleteness until 10 calendar days from the date of your initial request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.

Record the date the application or filing form with the minimum information is received. The application must be

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registered and disposed of on Bridges, using the receipt date as the application date. (BAM 110, p. 8)

In this instance, the department presented no proof that it had registered the application or sent a Notice of Missing Information. In addition, the department received documentation of the AR's authorization signed by the claimant two days after the original filing.

Therefore, this ALJ finds that the department must return to the February 4, 2010, application, reregister the applications for MA and retroactive MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to re-register the MA and retroactive MA applications back to February 4, 2010.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/6/2010

Date Mailed: 12/6/2010

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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cc:

