

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.: 2010-51582
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 2010
Macomb County DHS (36)

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 December 9, 2010. The claimant appeared and testified. The claimant was represented by her authorized representative (AR), [REDACTED] of [REDACTED]

ISSUE

Did the Department properly deny the claimant's Medical Assistance (MA) and Retroactive MA applications?

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 2, 2010, the claimant's AR submitted an application for MA and retro MA.
2. On March 2, 2010, the department denied the claimant's MA application for lack of verification.
3. On August 11, 2010, the claimant's AR filed a request for 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

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).

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf.... (BAM 110, p. 7)

Here the department did not send the verification checklist to the claimant's AR. The department testified that the claimant's AR (ADVOMAS), had been entered into the system and therefore would have been automatically sent a copy of the verification requests. The department was not able to produce documentation of having sent the claimant's AR the verifications requests.

This ALJ finds the AR's testimony credible and the department is unable to provide any documentation of having sent the verification requests to the AR.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department and claimant have come to an agreement and **REVERSES AND ORDERS** the department to reregister the February 2, 2010 MA and retro MA applications.



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

Date Signed: 1/05/2011

Date Mailed: 1/05/2011

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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.

MJB/jlg

cc:

