

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-7140
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 13, 2010
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on April 13, 2010. Claimant did not appear. Appearing and testifying on claimant's behalf was [REDACTED].

ISSUE

Did the department fail to correctly process claimant's May 29, 2009 assistance 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. On [REDACTED], [REDACTED] faxed an assistance application (DHS-1171) with a cover sheet stating as subject "[REDACTED] (AMP ONLY)", to the department.

2. On June 11, 2009 department computed an Adult Medical Program (AMP) budget with pay stubs that were in the claimant's record. This budget resulted in determination that the claimant had excess income for AMP.

3. On June 11, 2009 department mailed the claimant a denial notice, but did not mail such notice to [REDACTED]. as no written authorization to represent the claimant was provided by them.

4. [REDACTED]. requested a hearing on [REDACTED] referring to [REDACTED] application as an MA application, and objecting to the department not mailing them a denial notice.

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 Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Hearing testimony indicates that the [REDACTED] employee that faxed [REDACTED] application noted that [REDACTED] had verbal authorization to be claimant's authorized representative. The application was not signed by the claimant. Departmental policy states that 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, department must request further verification in the form of a DHS-723, Incomplete Application Notice, to the agency or the individual who completed the application. A DHS-330, Notice of Missing Information, also must be sent to the client explaining the need for a valid signature. Department must allow 10 days for a response. BAM 110, p. 8.

█ representative argues that the department was required to follow this procedure. However, departmental policy also addresses verification requirements in that it states that verification is not required when the client is clearly ineligible. BAM 130, p. 1. Verification would include a DHS-723 and a DHS-330. In claimant's case, █ clearly stated on the fax cover sheet that only AMP was being requested. Department completed an AMP budget without need for further verification, as claimant's earned income was on record, and determined that claimant had excess income for AMP. Department's representatives also testified that the application indicated that the claimant was over 21, under 65, had no minor children, and was not disabled, circumstances under which potential MA eligibility can be explored. Department therefore had no obligation to sent any further verification requests either to the claimant or to her "verbal" authorized representative, as claimant was ineligible based on her income of record and application information. Department could also not send any correspondence pertaining to claimant's case to █ due to lack of written authorization to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly processed claimant's May 29, 2009 application.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 19, 2010

Date Mailed: April 19, 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.

cc:

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