

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.: 2010-8047
Issue No.: 2015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 25, 2010
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a hearing was held in Detroit, Michigan on Thursday, February 25, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's November 26, 2008 Medical Assistance ("MA") application?

FINDINGS OF FACT

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

1. On November 26, 2008, the Claimant submitted a public assistance application seeking MA benefits. (Exhibit 1, 3)
2. The application was mistakenly processed as a disabled individual (MA-P) case.

3. As a result, the application was denied however the Claimant/Representative was not notified of the denial.
4. The Claimant has minor children in the home.
5. On May 18, 2009, the Department received the Claimant's written request for hearing protesting the failure to process the application as a family medical case (MA-N).

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

In this case, the Claimant submitted a MA application in November 2008. Although the Claimant's minor children resided with him, the application was processed as a MA-P case versus a MA-N case. The Medical Contact Worker denied the application as a MA-P case and purportedly sent the file back to the case worker. The application was not processed further and the Claimant/Representative never received notification of the disposition of the case as required by policy. In light of the foregoing, it is found that the Department failed to establish it followed policy when processing the Claimant's November 2008 application. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department failed to act in accordance with department policy when it failed to process the Claimant's November 2008 MA-N application.

Accordingly it is ORDERED:

1. The Department shall re-register and process the Claimant's November 2008 application and notify the Claimant and his representative of the determination in accordance with policy.
2. The Department shall supplement for any lost benefits (if any) the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/11/2010

Date Mailed: 3/11/2010

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 receipt 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.

CMM/jlg

cc:

