

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.: 2010-9434
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 4, 2010
Wayne County DHS (82)

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 conducted from Redford, Michigan on Thursday, February 4, 2010. The Claimant's authorized representative appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly registered and processed the Claimant's March 23, 2009 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 February 10, 2009 the Department received an application for public assistance from the Claimant seeking MA benefits.
2. The application was registered, processed, and ultimately denied.

3. On March 23, 2009, the Department received another application for public assistance from the Claimant seeking MA benefits retroactive for December 2008. (Exhibits 1, 2, 4)
4. The March 23rd application was not registered and/or processed.
5. On November 5, 2009, the Department received the Claimant's written request for hearing protesting the Department's failure to register/process the application. (Exhibit 3)

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. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Policy Glossary ("BPG").

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 115 Clients must complete and sign public assistance applications. BAM 115 An application is incomplete until enough information is provided to determine eligibility. BAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. BAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115

Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110 An authorized representative ("AR") is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110 An individual who is not a spouse,

parent, legal guardian, adult child, stepchild, or other specified relative of 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. BAM 110 An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. BAM 110 The application form must be signed by the client or the individual acting as the authorized representative. BAM 110 An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as the authorized representative. BAM 110 For MA purposes, an authorized representative must be designated in writing by the client. BAM 110

In this case, the Claimant/Representative established that a MA application was submitted on March 23, 2009 seeking retroactive benefits for December 2008. Although the February 20th application was registered and processed, the March 23rd application was never registered, processed, and/or forwarded to the MRT for a disability determination. Under these facts, 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 register and process the Claimant's March 2009 application.

Accordingly, it is ORDERED:

1. The Department shall register and process the Claimant's March 23, 2009 application in accordance with department policy.
2. The Department shall notify the Claimant and his representative, in writing, of the determination in accordance with department policy.

3. The Department shall supplement for lost benefits (if any) that 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: 3/02/2010

Date Mailed: 3/02/2010

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:

