

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201128804  
Issue No.: 2018  
Case No.: [REDACTED]  
Hearing Date: July 28, 2011  
Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 July 28, 2011 from Detroit, Michigan. On behalf of Claimant, [REDACTED] appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly notified Claimant's representative of a denial of Medical Assistance (MA) benefits.

**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 5/28/08, Claimant applied for MA benefits, including retroactive MA back to 2/2008.
2. [REDACTED] was Claimant's authorized representative (AR) for the MA benefit application.
3. On 3/22/11, DHS had not yet determined Claimant's MA benefit eligibility.
4. In 4/2011, DHS denied Claimant's application requesting MA benefits on the basis that Claimant does not meet an MA benefit category (i.e. Claimant was not disabled).

5. DHS failed to send a Notice of Case Action to Claimant's representative.

### **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). DHS 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The undersigned will refer to the DHS regulations in effect as of 3/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group). BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id.*

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). BAM 220 at 2. Adequate notice is given for application denials. *Id.*

In the present case ██████ requested a hearing to dispute the failure by DHS to timely process Claimant's application for MA benefits. The issue became moot when DHS denied Claimant's application in 4/2011. However, it was not disputed that DHS failed to send notice of the denial to Claimant's AR/AHR. The issue is relevant because there is a 90 day time limit to request a hearing from the date a Notice of Case Action is mailed. (see BAM 600 at 3). Thus, a failure by DHS to inform Claimant's AR of the denial could adversely affect the timeline to request a hearing disputing the denial.

DHS proposed to mail Claimant's AR/AHR a notice of the denial of Claimant's application with an updated notice date reflecting the date of mailing. Claimant's AR/AHR agreed to the proposal. The undersigned is inclined to accept the proposed settlement of the parties as it appears to be in compliance with DHS regulations.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties finds that DHS improperly failed to provide notice of a denial concerning Claimant's application dated 4/28/08 to Claimant's AR. It is ordered that DHS:

- (1) mail a Notice of Case Action to [REDACTED]; and
  - (2) have the Notice of Case Action reflect the yet to be determined date of mailing.
- The actions taken by DHS are REVERSED.

*Christian Gardocki*

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Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 29, 2011

Date Mailed: July 29, 2011

**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.

CG/hw

cc:

[REDACTED]