

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-2997
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 13, 2011
Wayne County DHS (35)

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 January 13, 2011. The claimant appeared and testified. [REDACTED] of [REDACTED] [REDACTED] appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits dated 2/16/10 based on an alleged voluntary withdrawal of the application by Claimant.

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 2/16/10, an Assistance Application requesting MA benefits on behalf of Claimant was submitted to DHS by Claimant's authorized representative (AR), [REDACTED]
2. On an unspecified date, DHS denied Claimant's application on the basis that Claimant voluntarily withdrew the application.
3. Claimant never asked DHS to withdraw the application.
4. On 9/27/10, [REDACTED] requested a hearing disputing the denial of his application.

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 (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 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.

A client/AR may withdraw the application any time before it is disposed on Bridges. BAM 110 at 14. However, if the client has an AR, they must first revoke the AR's authorization to represent them before the client may withdraw the application. *Id.*

In the present case, DHS denied Claimant's application dated 2/16/10 for MA benefits on the basis that Claimant voluntarily withdrew his application. The denial is improper for three reasons.

First, Claimant credibly testified that he did not inform DHS that he wished his application to be withdrawn. DHS had no evidence to rebut Claimant's testimony.

Secondly, if it was established that Claimant withdrew his application, it must have been first established that Claimant revoked the authorized representation. There was no evidence of such a revocation.

Thirdly, the parties agreed that Claimant's application was improperly denied. As DHS and Claimant (and Claimant's AR) agreed that DHS should reinstate Claimant's application for MA benefits and the agreement appears consistent with the facts and DHS regulations, the undersigned is inclined to accept the settlement reached by the parties.

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 denied Claimant's application dated 2/16/10 for MA benefits. It is ordered that DHS reinstate and process Claimant's application in accordance with DHS regulations.

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The actions taken by DHS are REVERSED.

Christian Gardocki

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

Date Signed: 1/25/2011

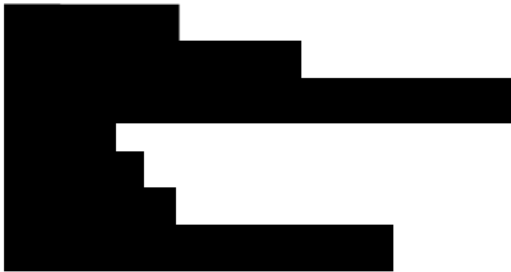
Date Mailed: 1/25/2011

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/jlg

cc:

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