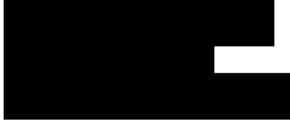


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2011-3028
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 15, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 December 15, 2010. The claimant appeared and testified. The claimant was represented by her Authorized Hearing Representative (AHR) [REDACTED].

ISSUE

Whether the Department was correct in denying the claimant's application for MA and retroactive MA?

FINDINGS OF FACT

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

1. On January 6, 2009, the claimant filed an application for MA.
2. On January 20, 2009, the department denied the claimant's MA application.
3. On January 5, 2010, the claimant's AHR filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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

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400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the department raises the issue of timeliness but the department never noticed the AR as to the disposition of the case.

The department denied the application because the Medical Review Team (MRT) denied the claimant's disability. However, there exist two reasons for the timeliness issue to be put aside.

One, the department never noticed the claimant's AR as to the disposition of the case. Two, the neither MRT or the department stated a valid reason for the denial. Either of these reasons would overcome the timeliness problem.

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf.... (BAM 110, p. 7).

Here, the department failed to notify the claimant's AR as to the disposition of the case and failed to provide a proper reason for the denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES and ORDERS the department to reregister the claimant's January 6, 2009, MA application.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/20/2011

Date Mailed: 1/20/2011

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.

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