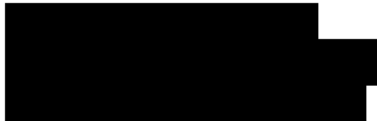


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2011-30465  
Issue No.: 2007  
Case No.: [REDACTED]  
Hearing Date: June 9, 2011  
DHS County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice, an in-person hearing was held in Detroit, Michigan on June 9, 2011. The claimant was represented by his Authorized Representative (AR) L & S Associates.

**ISSUE**

Did the Department of Human Services (Department) properly deny the claimant's Medical Assistance (MA), and retroactive MA applications?

**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 July 30, 2010, the claimant's AR filed an application for MA and retroactive MA.
2. On January 11, 2011, the Department denied the claimant's MA applications because they were not signed by the claimant.
3. On April 11, 2011, the claimant's AR filed a request for a hearing.

**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 Bridges Reference Manual (BRM).

The Department testified that it denied the claimant's MA applications because the claimant had not signed the applications.

**MA Only**

Application may be made on behalf of a client by his spouse, parent, legal guardian, adult child, stepchild, specified relative or any other person provided the person is at least age 18 or married. If this person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative 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. (BEM 110, pp. 7-8.)

During the hearing the Department admitted that it did not follow the above policy.

This Administrative Law Judge finds that the Department erred when it denied the claimant's MA and retroactive MA applications.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister and process the claimant's July 30, 2010, MA and retroactive MA applications.

Michael  
Administrative  
for  
Department



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J. Bennane  
Law Judge  
Maura Corrigan, Director  
of Human Services

Date Signed: August 2, 2011

Date Mailed: August 2, 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.

2011-30465/MJB

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.

MJB/cl

cc:

