

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.: 2011-3508
Issue No.: 2011/2012
Case No.: [REDACTED]
Hearing Date: February 2, 2011
Wayne County DHS (41)

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 February 2, 2011. [REDACTED] of [REDACTED], [REDACTED] ([REDACTED]) appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUES

1. Whether DHS properly registered Claimant's request for Medical Assistance (MA) benefits.
2. Whether DHS properly mailed notice of denial of Claimant's denial of 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. [REDACTED] faxed a Filing Form (Exhibit 2) to DHS on 4/29/10 requesting MA benefits for Claimant.
2. [REDACTED] subsequently submitted an Assistance Application (Exhibit 3) to DHS on approximately 5/6/10.
3. The Assistance Application listed [REDACTED] as an authorized representative for Claimant.
4. The Assistance Application sought retroactive MA benefits back to 1/2010.

5. DHS credited Claimant with an MA benefit application date of 5/6/10.
6. On 12/1/10, DHS denied Claimant's MA benefits on the basis that Claimant was found to be not a disabled person.
7. DHS mailed the notice of the denial to Claimant, not to [REDACTED].
8. On 8/18/10, [REDACTED] requested a hearing contending that no notice of denial was received; [REDACTED] also disputes the registration date for Claimant's 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 request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. BAM 110 at 1. The requester has the right to receive the appropriate application form. *Id.* A DHS-1171, Assistance Application is an acceptable form for all programs. *Id.* The DHS-1171 packet includes an information booklet and the Assistance Application. A filing form used to preserve the application filing date is available on the last page of the information booklet. *Id.* Persons who cannot complete the entire application should complete the Filing Form, to protect their application date. *Id.*

The date of application is the date the local office receives the required minimum information on an application or the filing form. *Id.* at 4. If the application or filing form is faxed, the transmission date of the fax is the date of application. *Id.*

The first issue in the present case involves the proper application date for Claimant's request for MA benefits. DHS registered Claimant's request for MA benefits as 5/12/10. DHS based the application date on the date that DHS supposedly received Claimant's Assistance Application. [REDACTED] contended that a Filing Form was submitted to DHS prior

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to the Assistance Application and that the date DHS received the Filing Form would be the appropriate application date for Claimant's MA benefits.

█ submitted a fax confirmation (Exhibit 1) which tended to verify that DHS received a Filing Form on 4/29/10 requesting MA benefits for Claimant. DHS did not dispute this issue. It is found that DHS received a Filing Form on behalf of Claimant on 4/29/10.

As stated above, the date DHS receives a Filing Form is the proper date of application. DHS regulations even specify that if the Filing Form is faxed then the date of fax transmission is the proper date of application. It is found that DHS erred in registering Claimant's application for MA benefits and that Claimant is entitled to a 4/29/10 registration date concerning MA benefits.

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). PAM 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.*

It was not disputed that DHS denied Claimant's request for MA benefits and that DHS mailed notice of the denial to Claimant but not to Claimant's AR. As the AR, █ was entitled to receive a notice of denial of Claimant's MA benefits. It is found that DHS erred in failing to provide Claimant's AR with proper notice of Claimant's MA benefit denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly registered Claimant's application for MA benefits and that DHS failed to provide Claimant's AR with notice of the denial. It is ordered that DHS register Claimant's application for MA benefits for 4/29/10 and that DHS provide written notice of Claimant's MA benefit denial to Claimant's authorized representative. The actions taken by DHS are REVERSED.



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

Date Signed: 2/7/2011

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Date Mailed: 2/7/2011

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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