

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-38728
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 25, 2011
DHS County: Wayne (76)

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 July 25, 2011. The claimant was represented by his Authorized Representative [REDACTED].

ISSUE

Did the Department of Human Services (Department) properly process 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 September 26, 2008, the claimant's AR filed an application for MA and retroactive MA.
2. On [REDACTED] the claimant was party to a hearing on the same issue before Administrative Law Judge Ferris. In the [REDACTED], hearing Administrative Law Judge Ferris ordered the Department to reopen and process the claimant's September 26, 2008 MA and retroactive MA applications.
3. On May 20, 2011, the claimant's AR again filed a request for a hearing again requesting that the Department process the claimant's MA and retroactive MA applications.

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).

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date; see [Processing Delays](#) in this item. Requests for member adds must be entered in Bridges.

FIP, SDA, RAP, CDC, MA and AMP Only

Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. (BAM 11.5, p. 11).

In the instant case, the Department has failed to comply with its policy and the decision reached by Administrative Law Judge Ferris. This Administrative Law Judge finds that the Department again did not process the applications in question in a timely manner.

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 September 26, 2008 MA and retroactive MA applications.

Michael
Administrative
for
Department

Date Signed: August 15, 2011

Date Mailed: August 15, 2011



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

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.

MJB/cl

cc:

