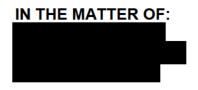
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



 Reg. No.:
 2011-38728

 Issue No.:
 2012

 Case No.:
 July 25, 2011

 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 Det roit, Michigan on July 25, 2011. The claimant was represented by his Authorized Representative

## <u>ISSUE</u>

Did the Department of Human Services (Department) pr operly 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 file d an application for MA and retroactive MA.
- 2. On the claimant was party to a hearing on the same issue before Administrative Law Judge Ferriss. In the Administrative Law Judge Ferriss 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 cla imant's MA and retroactive MA applications.

## CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by T itle 42 of the C ode of Federal Regulations (CFR). The Department of Human Services (formerly kn own as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Process applic ations and requests for member adds as quickly as possible, with priority y 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 de nial of the application within 45 days. Bridges automatically generates the client notice and if ap plicable, 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 J udge 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.

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

Michael Administrative for Department Date Signed: August 15, 2011

Date Mailed: August 15, 2011

**NOTICE:** Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or

reconsideration on the Department's mo tion where the final decis ion 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

