

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-40420
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: August 15, 2011
DHS County: Macomb (12)

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, a telephone hearing was held from Detroit, Michigan on August 15, 2011. The claimant was represented by her son, [REDACTED] and [REDACTED] from the long term care facility where the claimant resides.

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 December 17, 2010, an application was made for the claimant, but it was not properly signed.
2. On February 25, 2011, a second application was filed with the Department.
3. On March 16, 2011, the Department denied the claimant's February 25, 2011 MA application for lack of verification.
4. On June 8, 2011, the claimant 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 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).

The claimant originally had an application filed for her by [REDACTED] and it listed [REDACTED] as the person to be contacted.

The Department testified that it did not process or register the December 12, 2010, MA application because it was unsigned by the proper person, but by Bridget Vermeesch.

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.

The application form must be signed by the client or the individual acting as his authorized representative.

When an assistance application is received in the local office without the applicant's signature or without a signed document authorizing someone to act on the applicant's behalf you must do the following:

Register the application as a request if it contains a signature.

Send a DHS-330, Notice of Missing Information, to the individual explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.

Allow 10 days for a response. You cannot deny an application due to incompleteness until 10 calendar days from the date of your initial request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.

Record the date the application or filing form with the minimum information is received. The application must be

registered and disposed of on Bridges, using the receipt date as the application date. (BAM 110, pp. 7-8)

This Administrative Law Judge finds that the Department erred when it failed to follow the above policy and register the December 12, 2010 MA application or to notify anyone of the missing information.


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 December 12, 2010, MA application.

Michael
Administrative
for
Department

Date Signed: August 22, 2011

Date Mailed: August 22, 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:

