

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-42534
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: September 22, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, September 22, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's September 2010 application for Medical Assistance ("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. The Claimant signed an application for MA benefits on September 1, 2010. (Exhibits 1, 7, 8)
2. On October 26th, November 16th, December 8th, 2010, and January 7, 2011, the Authorized Hearing Representative ("AHR") sent written inquiries regarding the status of the Claimant's application. (Exhibits 2 – 5)
3. The application was not registered and/or processed.

4. On April 13, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 6)

CONCLUSIONS OF LAW

The Medical Assistance program is established by the 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 400.100, *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 Tables ("RFT").

A request for public assistance may be in person, by mail, telephone or through an internet application. BAM 110. Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110. An authorized representative ("AR") is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110. An individual, who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of 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. BAM 110. An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. BAM 110. The application form must be signed by the client or the individual acting as the authorized representative. BAM 110. An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as the authorized representative. BAM 110. For MA purposes, an authorized representative must be designated in writing by the client. BAM 110. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115.

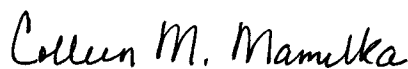
In this case, the Department was unable to find the Claimant's application. The Claimant attested to signing the application on September 1, 2010 and authorizing the AHR to act on her behalf. The AHR submitted a mail receipt establishing that on September 9, 2010, the Department received a shipment purportedly containing the application at issue. Subsequently, the AHR repeatedly inquired regarding the status of the application. Ultimately, in consideration of the evidence and testimony presented, it is found that the AHR did submit an application for MA benefits retroactive to August 2010 on September 9, 2010. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall register and initiate processing of the September 9, 2010 MA application in accordance with Department policy.
3. The Department shall notify the Claimant, and her Authorized Hearing Representative, of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 22, 2011

Date Mailed: September 22, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

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- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

