

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201149732
Issue No: 2012
Case No: [REDACTED]
Hearing Date: October 13, 2011
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 October 13, 2011. The claimant did not appear, but the claimant's representative, [REDACTED], from L&S Associates, appeared and provided testimony and evidence on the claimant's behalf.

ISSUES

Whether the department properly processed the claimant's application for Medical Assistance (MA) benefits in a timely fashion?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On August 26, 2009, the department received an application for MA benefits from the claimant's representative that the claimant's representative claimed was a reproduction of the same application submitted earlier; on April 7, 2009.
2. The claimant's application was processed with a receipt date of August 26, 2009.
3. The claimant filed a request for hearing on December 23, 2009 challenging the date of submission.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

Department policy directs the department to process an application within the standard of promptness for the applicable program. BAM 115. Applications for MA are to be processed to an approval or denial within 45 days of the local office receiving the application. BAM 115. In the case at hand, the department contends that the claimant did not submit an application until August 26, 2009. The claimant contends that an application was submitted on April 7, 2009. The claimant stated that an application was sent to the department in April of 2009 and delivered via FedEx shipment. The claimant provided documentation showing that said FedEx shipment was in fact delivered to the department on April 7, 2009 (see Claimant Exhibit A 1). Based on the evidence of record, this Administrative Law Judge determines that the claimant did submit an application as of April 7, 2009, and that the department did not act within the standards of promptness in processing said application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not process the claimant's MA application from April 7, 2009 properly in accordance with policy.

Accordingly the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall process the claimant's MA application as of the date of submission, April 7, 2009.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 20, 2011

Date Mailed: October 20, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

CSS/cr

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