

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-6274
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: January 31, 2011
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 31, 2011. [REDACTED] of [REDACTED] [REDACTED] ([REDACTED]) appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED] [REDACTED] Manager, appeared and testified.

ISSUE

Whether DHS timely or properly processed Claimant's application dated 6/18/08 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. On 6/18/08, Claimant, through an authorized representative, [REDACTED], submitted an Assistance Application (Exhibit 1) requesting MA benefits.
2. DHS has yet to properly process Claimant's application.
3. On 9/13/10, Claimant's AHR requested a hearing disputing the failure by DHS to process Claimant's application.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

DHS has 90 days to process applications requesting MA benefits in which disability is an eligibility factor. BAM 115 at 11. In the present case, an application dated 6/18/08 was submitted requesting MA benefits for Claimant. DHS initially contended that Claimant's request for MA benefits was properly denied because Claimant failed to assert a claim of disability. After referring to Claimant's Assistance Application (Exhibit 1), DHS conceded that Claimant had asserted a claim of disability and that DHS improperly failed to consider this assertion.

Claimant's AHR seeks a determination concerning Claimant's MA benefit eligibility beginning with benefit month 6/2008; Claimant's AHR is entitled to such a remedy. It is found that DHS failed to properly process Claimant's application dated 6/18/08 for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 6/18/08 for MA benefits. It is ordered that DHS shall reinstate Claimant's application dated 6/18/08 and that the application shall be processed in accordance with DHS regulations. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/7/2011

Date Mailed: 2/7/2011

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

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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.

CG/jlg

cc:

