

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.: 2011-8187
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 processed Claimant's application dated 3/18/10 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 3/18/10, Claimant submitted an Assistance Application to DHS requesting MA benefits.
2. DHS has yet to process Claimant's eligibility for MA benefits for benefit month 3/2010.
3. On 8/9/10, Claimant's AHR requested a hearing disputing the failure of DHS to process Claimant's eligibility for MA benefits effective 3/2010.
4. DHS concedes that there was no basis for failing to process Claimant's application effective 3/2010 for MA benefits.

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.

For MA benefits, DHS has 45 days to certify program approval or denial of the application. BAM 115 at 11. In the present case, an application dated 3/18/10 was submitted requesting MA benefits for Claimant. As of 1/31/11, DHS has not made any determination for Claimant's 3/2010 MA benefits. DHS testified that a technical issue has caused a delay in determining Claimant's eligibility but conceded that the issue should have been resolved prior to the date of the administrative hearing.

Claimant's AHR seeks a determination concerning Claimant's MA benefit eligibility beginning with benefit month 3/2010. It is found that DHS failed to timely process Claimant's request dated 3/18/10 for MA benefits and that Claimant's AHR is entitled to the requested remedy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly failed to timely process Claimant's application dated 3/18/10. It is ordered that DHS shall process Claimant's application and determine Claimant's eligibility for MA benefits effective 3/2010. The actions taken by DHS are REVERSED.



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

Date Signed: 2/3/2011

Date Mailed: 2/3/2011

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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.

CG/jlg

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