

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 20118189
Issue No: 2006
Hearing Date: February 17, 2011
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a 3-way telephone hearing was held on February 17, 2011. Claimant was represented by

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ISSUE

Did the DHS properly deny claimant's January 28, 2010 MA application?

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 January 28, 2010, ██████████ submitted a filing form on behalf of claimant.
2. On February 1, 2010, ██████████ and the customer were mailed a DHS 330 pending application notice with a due date of February 11, 2010.
3. On February 1, 2010, the DHS issued a DHS 723 incomplete application notice to client and to ██████████
4. On February 10, 2010, ██████████ requested an extension to February 21, 2010; on February 19, 2010, ██████████ requested an extension to March 3, 2010; on March 3, 2010, ██████████ requested an

extension to March 13, 2010; on March 12, 2010, ██████ requested an extension to March 23, 2010; on March 23, 2010, ██████ submitted an application requesting an extension to April 2, 2010; on April 1, 2010, ██████ submitted what it understood to be a complete application verification. Claimant Exhibits A-F.

5. On February 11, 2010, the DHS denied claimant's application without allowing for any extension at all.
6. Subsequently on March 23, 2010, the DHS opened an OHK case effective March 1, 2010, not at issue herein. The remaining months include the three retro months prior to application through February, 2010.
7. On November 3, 2010, ██████ requested a hearing on the grounds that the department had not, to date, processed the application or issued a denial notice to ██████

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 (DHS or department) 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 BRIDGES Reference Manual (BRM).

Applicable policy and procedure to the case herein is found primarily in BAM Item 130. In that Item, on pg 5, the department is required to allow an applicant extension when requested.

In this case, credible and substantial evidence on the record submitted by ██████ shows that ██████ continually communicated with the DHS and requested numerous extensions. The department did not consider even the first extension as the first due date February 11, 2010. ██████ requested its first extension on February 10, 2010 which appears to have been ignored by the department, along with numerous other extension. The department indicated it denied February 11, 2010 without evidence of ██████ having been notified.

Under the above-cited authority under BAM 130, the department is required to extend the record when requested. Thus, the department's denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were incorrect.

Accordingly, the department's denial is REVERSED.

It is Ordered that the department reinstate claimant's January 28, 2010 application, including three retro MA months. The department is Ordered to issue a Verification Checklist with any outstanding verifications to claimant, and giving claimant extensions as required under policy and procedure. The department shall process this case in accordance with its usual policy and procedure. The parties stipulated that the only months of issue herein are the three retro months prior to the January 28, 2010 application and through February 2010. It is so Ordered.

/s/
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 24, 2011

Date Mailed: May 24, 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.

JGS/db

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