

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.: 2011-1566
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: January 12, 2011
Oakland County DHS (04)

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 12, 2011. [REDACTED] of [REDACTED] [REDACTED] appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly provided notice of a denial of Claimant's application dated 8/28/09 for Medical Assistance (MA) benefits to Claimant's authorized representative (AR).

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 8/28/09 Claimant submitted a Filing Form requesting MA benefits.
2. On 9/10/09, Claimant submitted an Assistance Application to DHS.
3. Claimant's Assistance Application indicated that L&S would serve as Claimant's authorized representative (AR).
4. On 9/23/10, [REDACTED] requested a hearing concerning the failure by DHS to take any action on Claimant's application for MA benefits.
5. On 10/1/10, DHS denied Claimant's application for MA benefits based on Claimant allegedly having excess assets for MA benefits.

6. DHS failed to mail the notice of denial to Claimant's AR.
7. At the administrative hearing, both parties agreed that they were not prepared to proceed concerning the issue of Claimant's asset-eligibility 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 all programs, an AR is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. BAM 110 at 7. The AR assumes all responsibilities of a client. *Id.*

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications based on a disability is 90 days. BAM 115 at 11.

An adequate notice is a written notice sent to the client at the same time an action takes effect (i.e. the action is not pended). BAM 220 at 2. Adequate notice is given for denied applications. *Id.*

In the present case, it was not disputed that DHS took over one year to act on Claimant's application for MA benefits. Claimant's AR understandably requested a hearing objecting to the delay.

DHS subsequently denied Claimant's Application for MA benefits based on excess assets by Claimant. DHS provided written notice of the denial to Claimant, but not to Claimant's AR. As stated above, Claimant's AR assumes all responsibilities for Claimant and is entitled to a written notice of a case denial. DHS concedes not providing such notice to claimant's AR. It is found that Claimant's AR is entitled to such notice.

DHS finally processed Claimant's application on 10/1/10 and determined that Claimant was ineligible for MA benefits based on excess assets. Though the undersigned was tempted to consider the correctness of the DHS denial, both parties agreed that they were unprepared to proceed with the issue. As the subject of Claimant's assets were not the basis for the hearing request, it is appropriate that the issue of Claimant's asset-eligibility not be addressed. This administrative decision is limited to the finding concerning Claimant's AR's entitlement to a written notice of denial. Claimant's AR understands that if the issue of Claimant's asset-eligibility is still disputed by Claimant's AR after receiving proper notice, a new hearing request will have to be submitted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to provide Claimant's AR with a proper notice of Claimant's denial for MA benefits. It is ordered that DHS provide Claimant's AR with an updated notice of the denial of Claimant's application for MA benefits and that the notice reflect the proper date of mailing. The actions taken by DHS are REVERSED.

Christian Gardocki

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

Date Signed: 1/25/2011

Date Mailed: 1/25/2011

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.

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