

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201119226
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: March 31, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on March 31, 2011. The Claimant was represented by his/her attorney [REDACTED].

ISSUE

Did the Department properly process the Claimant's retroactive Medical Assistance?

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 January 29, 2010, the Claimant filed an application for MA.
2. On January 26, 2011, the Claimant's attorney filed a request for a hearing requesting that the Department provide a decision in light of documentation recently received.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

STANDARDS OF PROMPTNESS

All Programs

The standard of promptness (SOP) begins the date the Department receives an application/filing form, with minimum required information.

Exception #1: For **FAP**, the SOP begins when the **correct** local office receives it; see [BAM 110](#), WHERE TO APPLY/PROCESS APPLICATIONS, FAP ONLY.

Exception #2: For **FAP**, when a person applies for SSI and FAP before being released from a medical institution, the SOP begins on the applicant's date of release.

See BAM 105, for the minimum required information for filing.

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date; see [Processing Delays](#) in this item. Requests for member adds must be entered in Bridges.

FIP, SDA, RAP, CDC, MA and AMP Only

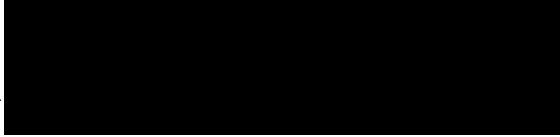
Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. (BAM 115, p. 110).

In the instant case, the Department failed to comply with its Standard of Promptness (SOP). The Department admits it is not in compliance with its SOP, but has been unable to get the Department's new computer program to allow the imputing of the necessary information.

According to both parties, documentation has been received that shows the Department agrees with the conclusions reached by the Claimant's representatives, but is unable to get its system "Bridges" to act accordingly.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to complete the processing of the Claimant's application and issue its decision.

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

Date Signed: May 25, 2011

Date Mailed: May 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 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.

MJB/hw

cc:



Wayne County DHS (82)/ 1843



Administrative Hearing System