

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: 20112402

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 20, 2011

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on January 20, 2011.

ISSUE

Did the Department of Human Services (DHS) deny claimant's 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) Claimant applied for MA-P in Macomb County on May 26, 2010.
- (2) Claimant's authorized representative sent DHS the application in question.
- (3) Claimant's caseworker did not receive the original application.
- (4) Claimant's caseworker sent the claimant a second application, without notifying the authorized representative.

- (5) Claimant filled out a second application, and did not mark that she was disabled.
- (6) DHS did not process claimant's original application.
- (7) DHS processed claimant's second application, but denied that application because claimant did not mark on that application that she was disabled.
- (8) Claimant's MA-P application was never processed; claimant was instead processed for the AMP program and was denied on July 24, 2010.
- (9) On September 29, 2010, claimant requested a hearing.
- (10) Claimant was represented by [REDACTED].
- (11) The Department did not send a representative to the hearing.

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) and Reference Tables (RFT).

The Department wrote in their hearing summary that claimant did not mention that they were disabled, and therefore, claimant's MA-P application was not processed for disability; claimant was subsequently denied under the AMP program.

However, the Department representative failed to attend the hearing, despite numerous phone calls and attempts to get the representative on the phone. The representative was told that they could teleconference into the hearing at any time

before the close of the hearing; the Department representative failed to do so. Therefore, the Department did not defend or in anyway explain the actions at hand during the administrative hearing. No evidence was presented on behalf of the Department.

Claimant's representative testified that an MA-P application was sent on May 26, 2010, and provided evidence of the same. This evidence was not disputed.

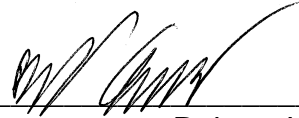
Therefore, as the claimant's representative was able to offer testimony regarding the matter at hand, and provide evidence of the same, and the Department was unable to offer any evidence or testimony relevant to the matter at hand, the undersigned holds that the Department has failed to meet their burden of proof in showing that the actions in the current case were correct. The evidence of record shows that claimant submitted an MA-P application on May 26, 2010 that was never processed. Furthermore, instead of correcting the mistake, the Department requested information of the claimant, instead of the claimant's authorized representative. Therefore, the Department must process that application, using the information from the claimant's proper authorized representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant's authorized representative submitted an MA-P application on May 26, 2010, that was never processed.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reprocess claimant's MA-P application of May 26, 2010 retroactively to the date of application. Should the Department require that original application, the Department is FURTHER ORDERED to request a copy of the original application from claimant's authorized representative.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/15/11

Date Mailed: 02/16/11

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.

RJC/dj

cc:

