

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-30999

Issue No: 2012

[REDACTED]

[REDACTED]

Genesee County DHS(Dist 5)

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 telephone hearing was held on June 23, 2011. The claimant did not appear, but was represented by [REDACTED].

ISSUES

Did the department properly process the claimant's July 21, 2010 Medical Assistance (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. The claimant's representative indicates that an application for Medical Assistance (MA) was submitted on behalf of the client on July 21, 2010. (Department Exhibit 1 – 23)
2. The department indicates that no such application was received/processed.
3. The claimant's representative submitted a hearing request on April 13, 2011.

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 Program Reference Manual (PRM).

Department policy states:

Date of Application All Programs

Faxed and Paper Applications

The date of application is the date the local office receives the required minimum information on an application or the filing form. If the application or filing form is faxed, the transmission date of the fax is the date of application. Record the date of application on the application or filing form. The date of application does **not** change for FIP, SDA, MA, CDC or AMP when the application is transferred to another local office. BAM 110.

Response to Applications

All Programs

An application or filing form, with the minimum information, must be registered on Bridges **unless** the client is already active for that program(s); see REGISTERING APPLICATIONS in this item. If there is no record on Bridges, the system assigns individual ID number(s) and an application number.

Note: A person may withdraw an application at any time before it is disposed on Bridges; see WITHDRAWN APPLICATION in this item. BAM 110.

In this case, the claimant's representative testified that an MA application and retro MA application (for RCH) was submitted to the Department of Human Services (MARA) worker at McLaren Hospital on July 21, 2010. In support of this assertion, the representative submitted a McLaren Regional Medical Center receipt showing the applications submitted to the MARA worker on July 21, 2010, which listed one for the claimant. This form is date stamped "DHS, July 21, 2010, McLaren". The claimant's representative also presented the application/retro application that was signed on June 25, 2010. Further documentation presented included fax confirmation forms showing information was faxed to the Genesee County DHS office from L & S in regards to the application for the claimant.

The department representative testified that the local office never received the application/retro application submitted on July 21, 2010. However, the undersigned finds that the evidence supports the application signed June 25, 2010 was submitted to

the McLaren Hospital MARA worker on July 21, 2010. Therefore, the department shall process the application/retro application submitted by the claimant's representative on July 21, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly process the claimant's MA/retro MA application of July 21, 2010.

Accordingly, the department's actions are REVERSED. The department shall process the claimant's July 21, 2010 MA/retro MA application. It is SO ORDERED.

/s/

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/29/11

Date Mailed: 6/29/11

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.

SM/ds

