

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-31072
Issue No: 2000
Case No: [REDACTED]
Hearing Date: August 18, 2011
Saginaw County DHS

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. This case was originally heard on July 8, 2010. A decision was issued on April 7, 2011. A request for rehearing was submitted on April 27, 2011. On July 28, 2011, a rehearing was granted. After due notice, a telephone rehearing was held on August 18, 2011. The claimant did not appear, but was represented by [REDACTED]

ISSUES

Did the department properly process the claimant's February 17, 2006 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, [REDACTED], submitted an application for Medical Assistance (MA) and retro MA was submitted on behalf of the client on February 17, 2006. Included in this packet was a Authorization for Release of Information and a Authorization to Represent, both signed by the client.
2. The claimant submitted a second application (without representation) on March 7, 2006.
3. It is unclear what actions the department took on the application submitted on February 17, 2006 by [REDACTED]

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 indicating disability was submitted to the Department of Human Services on February 17, 2006. In support of this assertion, the representative submitted a FedEx shipping receipt showing delivery on February 17, 2006, a signed application, correspondence, signed releases and authorization to represent, DHS-49B, DHS-49F and a Facility Admission Notice.

The department representative testified that it is not clear what actions the department took on this case. It is noted that the claimant submitted a second application (without representation) on March 7, 2006. It appears that the department did not process the first application and consider the claimant for disability-related MA. The department representative agrees that the history of this application is convoluted and confusing. The department representative does not dispute that ██████ did not receive a copy of any Notice of Case Action.

As ██████, the claimant's authorized representative, did not receive any case action, the time limitations to appeal the decision would be tolled. Thus, when ██████ submitted an appeal requesting the department to process the application, it would be considered timely.

The department representative agreed that the February 17, 2006 application (not to be confused with the subsequently submitted March 7, 2006 application) should be reprocessed, with copies of all correspondence and notices being sent to ██████, as the claimant's authorized representative. The claimant's representative testified that this would resolve the hearing request.

MCL 24.278 (2) provides that a disposition may be made of a contested case by stipulation or agreed settlement. Thus, the settlement of the department and the claimant's representative to reprocess the application is binding and resolves the hearing issue.

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 February 17, 2006.

Accordingly, the department's actions are REVERSED. The department shall initiate processing the claimant's February 17, 2006 MA/retro MA application, as agreed upon. It is SO ORDERED.

Suzanne

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

Date Signed: August 24, 2011

Date Mailed: August 24, 2011

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NOTICE: The law provides that within 30 days of receipt of the above Rehearing Decision and Order, the claimant may appeal it to the circuit court for the county in which he/she lives.

SM/ac

cc:

