

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: 20113225
Issue No: 2001/2011/2009/4031
Case No: [REDACTED]
Hearing Date: March 15, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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. Claimant requested an administrative hearing on six different occasions.

ISSUES

1. Did the DHS properly process claimant's June 4, 2010 MA-P and SDA application?
2. Did the DHS properly process claimant's AMP eligibility pursuant to a October 1, 2010?
3. Did the DHS properly process claimant's son's eligibility for all possible MA programs?

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 June 4, 2010, as well as on a number of subsequent reapplications, claimant applied for MA-P and SDA with the Michigan DHS.
2. The department failed to act on the June 2010 disability application as well as a number of subsequent reapplications.
3. The department subsequently transferred claimant's case to the [REDACTED] [REDACTED]. On October 1, 2010, claimant applied for AMP in the Taylor [REDACTED] and her son applied for Medical Assistance. In October, 2010 the [REDACTED] approved claimant's AMP eligibility. The department

stipulated that [REDACTED] erred in opening up claimant under the LIF Program and then subsequently closing it.

4. [REDACTED] subsequently transferred claimant's case back to Wayne #41 stating that she should not have been transferred to the [REDACTED] t.
5. Claimant has filed six hearing requests. The department has pressured claimant to withdraw a number of hearing requests promising to resolve claimant's issues.
6. The department has failed to assess all possible MA categories for claimant's son.
7. Unfuted evidence on the record is claimant had AMP eligibility beginning October, 2010 and continuing.
8. Claimant had a spend-down for unknown reasons in June, 2010. Evidence indicates that the department failed to apply an old bill on the correct effective date. Claimant's first old bill which claimant verified was on June 8, 2010. The department stipulated that claimant should have had MA effective June 8, 2010.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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

ISSUE 1

Unfuted evidence on the record is that claimant has applied and reapplied for MA-P and SDA on a number of occasions. One of the oldest applications was June 4, 2010. Evidently, the department failed to act at all on this application. The department's failure to act is reversed. The department is ordered to reinstate the June 4, 2010 MA-P and SDA application. The department shall give claimant any necessary verification requests it needs to collect necessary medical documentation. Claimant shall have a

right to the number of extensions as permitted under policy and procedure. The department shall process this case in accordance with its usual policy and procedure.

ISSUE 2

Unfuted evidence on the record is that the [REDACTED] approved claimant AMP in October, 2010. The department stipulated that [REDACTED] incorrectly opened the case under the LIF Program and subsequently closed it as it was an error. The department is ordered to reopen claimant's AMP effective October 1, 2010 and keep it continuing.

ISSUE 3

Unfuted evidence on the record is that claimant's son was entitled to have all possible MA categories assessed pursuant to a October 1, 2010 application. The department failed to act at all on the son's application. The department is ordered to reassess claimant's son's eligibility under the MA categories with the State of Michigan.

On all three issues, the department is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides:

ISSUE 1

The department failed to act on claimant's June 4, 2010 MA-P and SDA application. The department is Ordered to reinstate the application date, including any retro months applicable. The department shall issue any necessary verification(s) to claimant which is necessary to process the application. The department shall process the application in accordance with its usual policy and procedure. Claimant shall retain a right to a hearing should she receive an adverse decision for 90 days from the date of notice. The DHS is further Ordered to grant claimant MA eligibility for the month of June, 2010 from June 8, 2010.

ISSUE 2

The department failed to open claimant's AMP case on the BRIDGES system in October, 2010. Evidence on the record indicates claimant was approved for the AMP Program. The department is Ordered to reinstate claimant's AMP eligibility beginning October 1, 2010 and continuing.

ISSUE 3

The department failed to process claimant's son eligibility for all possible MA categories pursuant to the October 1, 2010 MA request. The department is Ordered to reassess

claimant's son's eligibility for all possible MA categories. The department shall issue notice informing the claimant as to the outcome of claimant's son's eligibility for MA category. Claimant shall retain the right to hearing for 90 days from the date of the new notice.

On all three issues, the department is REVERSED.

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 23, 2011

Date Mailed: March 23, 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.

JGS/db

cc:

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