

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36791
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 28, 2011
DHS County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice, an in-person hearing was held in Detroit, Michigan on July 28, 2011. The claimant was represented by his Authorized Representative (AR) [REDACTED].

ISSUE

Did the Department of Human Services (Department) properly process the claimant's Medical Assistance (MA), and retroactive MA applications?

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 December 14, 2007, the Department accepted a MA application
2. On March 14, 2008, the claimant's AR filed an application for MA and retroactive MA.
3. On April 20, 2011, the claimant's AR filed a request for a hearing requesting that the Department process the claimant's MA applications.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/ or otherwise acts on his behalf (BAM 110, p.7).

In the instant case, the Department failed to process the claimant's MA and retroactive MA applications for disability. The Department's Hearing Summary states that "the client's facility admission application dated [REDACTED] was never processed through MRT."

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.

Exceptions:

15 days for all pregnant Medicaid applicants.
30 days for Refugee Assistance Program (RAP) applicants.
60 days for SDA applicants.
90 days for MA categories in which disability is an eligibility factor.

The SOP can be extended 60 days from the date of deferral by the Medical Review Team. (BAM 115, pp. 11-12)

Having no further evidence of the [REDACTED] application, this Administrative Law Judge finds that the Department failed to process the March 14, 2008 application in a timely fashion.


DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to process the claimant's March 14, 2008, MA and retroactive MA applications and recognize the claimant's AR for further correspondence.

Michael
Administrative
for
Department

Date Signed: August 16, 2011

Date Mailed: August 16, 2011



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

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.

MJB/cl

cc:

