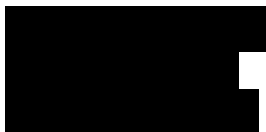


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Genesee County DHS-05

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on July 13, 2011. After due notice, a telephone hearing was held on September 15, 2011. Claimant's representative personally appeared and provided testimony.

ISSUE

Whether the department properly refused to process Claimant's application for Medical Assistance (MA) and Retro-MA?

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 submitted an application on August 25, 2010 for MA and Retro-MA. (Hearing Summary).
2. On September 20, 2010, Claimant's request was registered and the department mailed Claimant a DHS-330 and DHS-723 requesting a signed authorization to represent Claimant. (Hearing Summary; Claimant's Exhibit 8).
3. On September 30, 2010, the North District local office had not received the signed authorization to represent Claimant and Claimant's application request was denied. (Hearing Summary).
4. On September 30, 2010, Claimant's representative faxed Claimant's signed Authorization to Represent to the McCree local office. (Claimant's Exhibits 9, 11-12).

5. Claimant submitted a hearing request on July 13, 2011, protesting the refusal of the department to process Claimant's MA and Retro-MA application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Reference Tables Manual (RFT).

Policy directs the department that an application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative. BAM 105.

If an application/filing form does not contain the minimum information listed above, the application/filing form is sent back to the client along with a DHS-330, Notice of Missing Information, informing the client of the missing information. BAM 105.

An application or DHS 1171 Filing Form will not be registered, until it is signed by the client or authorized representative (AR). Note: The signature(s) establishes both of the following:

- Client and/or AR understand their rights and responsibilities.
- Client and/or AR prepared the application or filing form truthfully under penalty of perjury. BAM 115.

When an assistance application is received in the local office without the applicant's signature or without a signed document authorizing someone to act on the applicant's behalf the department must:

- Register the application as a request if it contains a signature.
- Send a DHS-330, Notice of Missing Information, to the individual explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.
- Allow 10 days for a response. You cannot deny an application due to incompleteness until 10 calendar days from the date of your initial request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.
- Record the date the application or filing form with the minimum information is received. The application must be registered and disposed of on Bridges, using the receipt date as the application date. BAM 110.

Policy directs the department in the event a client contacts your local office in error:

- Give or send him an application and the address and phone number of the correct office.
- If he chooses to complete the application and turns it in at your office:
 - Accept and register it as an application or request as appropriate.
 - Mail it promptly to the correct office so the transfer-in office may act within the standard of promptness; see BAM 115. BAM 110.

In this case, Claimant submitted an unsigned application to the North District office on August 25, 2010. On September 20, 2010, the department properly mailed out the Notice of Missing Information to the Claimant, explaining the need for a valid signature and instructing Claimant that he had 10 days to provide the signature. Claimant's representative stated and provided evidence that the signature was provided to the department on September 30, 2010, within the required 10 day time frame, albeit to the [REDACTED] office instead of the [REDACTED] y.

Claimant's representative contends that the McCree office should have forwarded the information to the North District office. The department contends that because Claimant's representative did not provide the information to the North District office, the department had no duty to process the application or forward the information to the proper office.

According to departmental policy at BAM 110, if a client contacts a local office in error, that local office must give or send him an application and the address and phone number of the correct office, or as in this case where Claimant's representative continued to forward necessary information to the wrong office, mail it promptly to the

correct office so the transfer-in office may act within the standard of promptness. As a result of the McCree office failing to forward the information to the North District office, this Administrative Law Judge finds the department erred in failing to process Claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department failed to process Claimant's application dated August 25, 2010. Accordingly, the department shall process Claimant's August 25, 2010 application in accord with policy to determine his eligibility for MA and Retro-MA.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 9/16/11

Date Mailed: 9/16/11

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 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.

VLA/ds

