

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-46467  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: October 26, 2011  
Wayne County DHS (15)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on Wednesday, October 26, 2011. The Claimant did not appear; however, his Authorized Hearing Representative ("AHR"), [REDACTED] appeared and testified on his behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

**ISSUE**

Whether the Department properly processed the Claimant's March 5, 2010 application for Medical Assistance ("MA") benefits retroactive to February?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant/AHR submitted an application for public assistance seeking MA benefits retroactive to February, on March 5, 2010. (Exhibits 1, 3)
2. The application indicated that a minor child resided in the home. (Exhibit 4)
3. The application was not timely registered and no verification checklists were sent to the Claimant/AHR.
4. On April 2, 2011, the Department denied the application. (Exhibit 5)

5. On June 10, 2011, the Department received the Claimant's timely written request for hearing.

### **CONCLUSIONS OF LAW**

The Medical Assistance program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulation. 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 Tables ("RFT").

A request for public assistance may be in person, by mail, telephone or through an internet application. BAM 110. Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110. An authorized representative ("AR") is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110. An individual who is not a spouse, parent, legal guardian, adult child, stepchild, or other specified relative of the person, must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s) or legal guardian. BAM 110. An AR assumes all responsibilities of the client and must provide his name, address, and title or relationship to the client. BAM 110. The application form must be signed by the client or the individual acting as the authorized representative. BAM 110. An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as the authorized representative. BAM 110. For MA purposes, an authorized representative must be designated in writing by the client. BAM 110. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115.

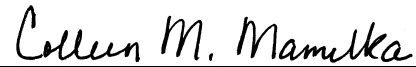
In this case, the AR submitted an application on behalf of the Claimant, along with signed authorizations to represent, on March 5, 2010, seeking retroactive benefits for February 2010. Presumably, due to the local office physically moving its location, as well as other local office moves, the MA application was not received until April 2011. The Department did not send out verification checklists or attempt to secure any information regarding the Claimant's eligibility. Instead, on April 2, 2011, the Department denied application because the Claimant was not aged, blind, under 21, pregnant, or parent/caretaker relative of a dependent child. In review of the application, there was (is) a minor child that resided in the home. Ultimately, the Department failed to establish it acted in accordance with Department policy when it failed to determine the Claimant's MA eligibility especially in light of the minor child in the home. Accordingly, the denial of MA benefits is REVERSED.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's denial is REVERSED.
2. The Department shall register and initiate processing of the March 5, 2010 MA application retroactive to February, in accordance with Department policy.
3. The Department shall notify the Claimant, and his Authorized Hearing Representative, of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



Colleen M. Mamelka  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: October 27, 2011

Date Mailed: October 27, 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 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.

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Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative hearings  
Re consideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CMM/cl

cc:

