

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201154773
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne DHS (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 3, 2012 from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits.

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 6/10/08, Claimant applied for MA benefits.
2. Claimant's basis for MA benefits was an alleged disability.
3. Claimant's application stated that Claimant had an authorized representative (AR).
4. Claimant's AR submitted all necessary medical documentation to DHS.
5. On 3/3/10, Claimant's AR requested a hearing to compel DHS to process Claimant's application for MA benefits.

6. On 3/6/10, DHS mailed a Notice of Case Action to Claimant.
7. DHS did not mail a Notice of Case Action to the AR.
8. The Notice of Case Action denied Claimant's MA benefit application due to an alleged failure by Claimant to receive medical documents.

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). DHS 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). At the time of Claimant's application, DHS policies were found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Claimant's AHR (also Claimant's AR) requested a hearing to dispute a failure by DHS to process Claimant's application for MA benefits. As it happened, DHS processed Claimant's application three days after a hearing request was submitted; DHS denied the application due to an alleged failure to submit medical documents. The denial by DHS hardly resolved the matter.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110 (4/2008), p. 7. The AR assumes all the responsibilities of a client. *Id.* DHS is to notify clients in writing of positive and negative actions. PAM 220 (4/2007), p. 1. Though the requirement does not appear to be explicitly stated by DHS regulations, it is implied that the AR has a right to receive written notice of case actions.

DHS conceded that Claimant's AR still has yet to receive notice of the MA benefit denial. It would be reasonable to order DHS to serve the AR with notice of the application denial, however, DHS also conceded that the basis for denial was improper.

The basis for denial was an alleged failure by Claimant and/or the AR to submit medical documents relating to Claimant's alleged disability. DHS gave testimony that sufficient medical documentation was received and that a disability determination could be made. The DHS concession was an admission that the denial was improper. It is found that DHS erred in denying Claimant's application for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's application for MA benefits dated 6/10/08; and
- (2) process Claimant's application subject to the finding that DHS received sufficient medical documentation of Claimant's disability for evaluation of disability.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/17/2012

Date Mailed: 10/17/2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:



