

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-59961
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: September 24, 2012
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 September 24, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

1. Did the Department properly determine the date of Claimant's application?
2. Did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On January 9, 2012, the Department
 denied Claimant's application closed Claimant's case
due to failure to provide requested verifications.
3. On January 9, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On June 8, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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.

In the instant case, Claimant's representative requested a hearing to challenge an application denial and the date of the application. The Department processed an application for MA for Claimant. The Department presented a copy of the Department date-stamped application (Department Exhibit 1) as evidence of the application being received. The application has a date stamp with the district office identified and a date of November 2, 2011. Based upon this date, the Department began processing the application.

The first issue raised by Claimant's representative is the date the application was received by the Department. Claimant's representative submitted a copy of the FedEx Shipment tracking update (Claimant's Exhibit A) which shows a shipment date of October 27, 2011, from Claimant's representative and a delivery date of October 31, 2011, to the Department in Inkster Michigan. Claimant included with the FedEx email confirmation a copy of the shipping label purported to be affixed to the package (Claimant's Exhibit C). This label clearly indicates a shipping date of October 27, 2011, and the ship to address as that of the Department's Inkster district office. Claimant's name, date of birth and filing confirmation are handwritten on the label.

Claimant's representative asserts the FedEx confirmation email and label demonstrate Claimant's application was received prior to November 2, 2011. This Administrative Law Judge would agree Claimant's evidence does demonstrate a package was sent to the Department on the October 27, 2011, and this said package was delivered on October 31, 2011. However, the evidence fails to demonstrate what was, in fact, sent. The label has Claimant's name hand-written in after printing and was not included in the

original printing of the label. There is no way to determine if the name was placed on the label when it was sent or placed at a later date. While there is evidence of a package being sent, this Administrative Law Judge finds the label with a handwritten name fails to demonstrate it was, in fact, the application in question sent on October 27, 2011. This Administrative Law Judge finds Claimant's representative has failed to provide sufficient evidence to find the Department improperly dated the application. Therefore, this Administrative Law Judge finds the Department properly determined the application was received on November 2, 2011.

The second issue in this case is the subsequent denial of the application based upon a failure to provide verifications. The Department submitted a copy of the verification checklist sent on November 30, 2011, with a due date of December 12, 2011 (Department Exhibit 3). This verification clearly shows Claimant's address but fails to show any mention of Claimant's representative.

After reviewing the evidence submitted, this Administrative Law Judge finds the Department failed to follow policy as outlined in BAM 110, p. 7, specifically indicating the authorized representative (AR) assumes all responsibilities of a client. In order to fulfill these responsibilities, the AR must receive the verification requests and all other communications regarding case processing. Therefore, based on the above, the Department failed to process the application according to policy and the denial dated January 9, 2012, must be reversed.

DECISION AND ORDER

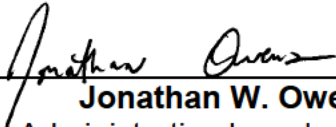
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the following:

1. The Date of Claimant's application was properly determined to be November 2, 2011, and, therefore, the Department is AFFIRMED on this issue;
2. The Department's denial of the Claimant's application based upon a failure to return verifications is REVERSED.

ACCORDINGLY, THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate registering of Claimant's November 2, 2011, application for MA including request for retroactive benefits;
2. Process the application in accordance with policy;

3. Make a written determination;
4. Issue a proper case action notice.


Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 18, 2012

Date Mailed: October 18, 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

JWO/pf

cc:

