

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-28466
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: June 13, 2012
Wayne County DHS (35)

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 telephone hearing was conducted from Detroit, Michigan on Wednesday, June 13, 2012. The Claimant is deceased; however, her Authorized Hearing Representative, [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's February 2011 application for Medical Assistance ("MA-P") benefits retroactive to December 2010?

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 submitted an application for public assistance seeking MA-P benefits retroactive to December 2010, in February 2011.
2. The Department failed to register and process the application.
3. On or about February 7, 2011, the Department denied the Facility Admission Notice due to non-cooperation with the Office of Child Support ("OCS").
4. The Claimant was murdered on [REDACTED]

5. On December 14, 2011, the Probate Court appointed a Special Personal Representative for the sole purpose of pursuing Medicaid benefits.
6. On December 22, 2011, the Special Personal Representative appointed the Authorized Hearing Representative ("AHR") to pursue Medicaid benefits on behalf of the decedent.
7. On January 4, 2012, the Department received the AHR's written request for hearing protesting the failure to process the February 2011 MA application.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, 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 by an internet application. BAM 110. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. BAM 105. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115.

For MA purposes, the receipt of a completed Facility Admission Notice, MSA-2565-C, serves as a request for MA benefits for all persons except automatically eligible newborns, active MA recipients, or pending MA or FIP applicants. BAM 110.

In this case, in February 2011 the Department received both a Facility Admission Notice and an application ("DHS 1171") for MA benefits. The Department testified that the application was not registered or processed. As such, a Notice of Case Action was never generated. In light of the foregoing, it is found that the Department failed to establish it acted in accordance with Department policy when it failed to register and process the Claimant's February 2011 application for MA benefits retroactive to December 2010. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department failed to establish it acted in accordance with department policy when it failed to register and process the Claimant's February 2011 application.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall register and process the Claimant's February 2011 application, retroactive to December 2010, in accordance with department policy.
3. The Department shall notify the Claimant/decedent and the Authorized Hearing Representative of the determination in accordance with department policy.

Colleen M. Mamelka

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

Date Signed: June 20, 2012

Date Mailed: June 20, 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.

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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:

