

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

IN THE MATTER OF:



Reg. No: 201230791
Issue No: 2012
Case No: [REDACTED]
Hearing Date: May 8, 2012
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 6, 2012. After due notice, a telephone hearing was held on Tuesday, May 8, 2012. The Claimant was represented by [REDACTED] Inc.

ISSUE

Whether the Department of Human Services (Department) properly handled the Claimant's application for Medical Assistance (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. On February 14, 2011, the Department received an application for Medical Assistance (MA) from the Claimant's authorized representative.
2. The Department determined that the Claimant had a pending application for Medical Assistance (MA).
3. The Department received the Claimant's request for a hearing on January 6, 2012, protesting the Department's failure to process the February 14, 2011, application for assistance.

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). 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must complete and sign one of the following application forms:

- DHS-1171, Assistance Application.
- DHS-4583, Child Development and Care Application (CDC).
- DHS-4574, Medicaid Application.
- DHS-4574-B, Assets Declaration
- DCH-0373, MIChild/Healthy Kids Application.

Any application or the DHS-1171, Filing Form, with the minimum information, must be registered in Bridges. BAM 115.

Following registration of the application, the Department will:

- Interview clients when required by policy.
- Certify eligibility results for each program within the applicable standard of promptness (SOP).
- Generate a client notice informing them of the eligibility decision. BAM 115.

An incomplete application contains the minimum information required for registering an application. However, it does not contain enough information to determine eligibility because all required questions are not answered for the program(s) for which the client is applying. When an incomplete application is filed, the Department will retain the application and give or send the client the DHS-3503, Verification Checklist. The Department will inform the client of the:

- Request for contact to complete missing information.
- Due date for missing information.
- Interview date, if applicable.

In this case, the Claimant's authorized representative submitted an application for Medical Assistance (MA) that the Department received on February 14, 2011.

Based on the evidence and testimony available during the hearing, the Department has failed to establish that it made an eligibility determination based on the February 14, 2011, application. The Department failed to establish that it processed the application as an incomplete application. The Department failed to establish that it processed the February 14, 2011, application in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly processed the Claimant's application for assistance that the Department received on February 14, 2011.

Accordingly, the Department is ORDERED to process the Claimant's application for assistance received by the Department on February 14, 2011, and provide the Claimant with written notification of the Department's eligibility determination.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 11, 2012

Date Mailed: May 11, 2012

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 60 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.

KS/tb

cc:

