

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-16860
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: February 12, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on February 12, 2014, from Taylor, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative who participated by telephone. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS timely processed Claimant's Medical Assistance (MA) application.

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 [REDACTED], Claimant submitted an application to DHS, which requested MA benefits, including retroactive MA benefits from [REDACTED].
2. Claimant's application noted a claim of disability.
3. On [REDACTED], DHS incorrectly denied Claimant's MA application.
4. On an unspecified date, DHS reinstated Claimant's MA request from [REDACTED].

5. On [REDACTED], Claimant's AHR requested a hearing to dispute the improper denial of MA benefits and/or a failure by DHS to timely process Claimant's application.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's AHR's hearing request, it should be noted that the request noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

Claimant's AHR's Request for Hearing cited a dispute concerning a denial of an MA application. DHS conceded that Claimant's MA application was denied in error. DHS provided testimony that Claimant's application was reinstated and being processed. Verifiable proof of the reinstatement was not presented. It was not disputed that Claimant's application had not been fully processed for MA eligibility based on a claim of disability.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications when disability is an eligibility factor is 90 days. BAM 115 (1/2013), p. 13.

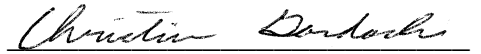
As of the date of hearing, over seven months had elapsed without DHS determining Claimant's MA eligibility based on disability. It is found that DHS failed to comply with the standard of promptness.

The local office has 10 days from the date the decision was mailed from MAHS to implement the decision and order. BAM 600 (10/2013), p. 9. As DHS exceeded the standard of promptness, it is appropriate to order DHS to complete the processing of Claimant's application within 10 days. Claimant's AHR conceded that such an order was unnecessary and agreed that DHS should merely be ordered to continue processing Claimant's application. The below order reflects the request of the AHR.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's application for MA

benefits. It is ordered that DHS continue the processing of Claimant's MA application in accordance with a 90 standard of promptness. The actions taken by DHS are **REVERSED**.


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

Date Signed: 3/4/2014

Date Mailed: 3/4/2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

CG/hw

cc:

