

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201236382
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: July 16, 2012
County: Monroe DHS

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, an in-person hearing was held on July 16, 2012 from Monroe, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative (AHR). 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 6/30/11, Claimant submitted a Filing Form to DHS requesting MA benefits.
2. Claimant's Filing Form listed an authorized representative.
3. On an unspecified date, DHS mailed a written notice to Claimant requesting completion of an Assistance Application.
4. On 7/13/11, DHS mailed a Notice of Case Action informing Claimant of the denial of the Filing Form due to a failure to submit an Assistance Application.

5. On 10/18/11, Claimant's AHR requested a hearing to dispute the denial of MA benefits.

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).

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group). BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id.*

In the present case, DHS denied Claimant's request for MA benefits due to an undisputed failure by Claimant to submit an Assistance Application after Claimant submitted a Filing Form to DHS. It was verified that Claimant's Filing Form listed an authorized representative. It was also not disputed that DHS failed to send the authorized representative any written notice requesting completion of an Assistance Application. Though DHS may have sent Claimant the request, DHS was obligated to also send notice to the AR. By failing to send the AR written notice, DHS failed to meet their procedural obligations prior to denying the MA benefit request.

It should also be noted that DHS similarly failed to mail notice of the denial to the AR. Due to the DHS failure to send proper written notice to the AR, the timeliness of the hearing request may not be held against Claimant or his AR.

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 request for MA benefits. It is ordered that DHS reinstate Claimant's request for MA benefits dated 6/30/11 and that the request be processed in accordance with DHS regulations. The actions taken by DHS are REVERSED.



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

Date Signed: July 20, 2012

Date Mailed: July 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.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

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

LMF/hw

cc:

