

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

IN THE MATTER OF:



Reg. No.: 201242398
Issue No.: 2011
Case No.: [REDACTED]
Hearing Date: May 14, 2012
County: Wayne DHS (15)

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 May 14, 2012 from Detroit, Michigan. Claimant did not appear for the hearing. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED] Manager.

ISSUE

The issue is whether DHS failed to register and process an Assistance Application submitted by Claimant to DHS on 5/11/11.

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 5/11/11, Claimant's authorized representative submitted to DHS an Assistance Application requesting Medical Assistance.
2. On an unspecified date, DHS registered an application for Claimant as being received by DHS on 8/31/11.
3. On an unspecified date, DHS processed Claimant's MA benefit eligibility effective 8/2011.
4. On 3/15/12, DHS mailed a Notice of Case Action informing Claimant of an application denial of MA benefits.

5. On 3/22/12, Claimant requested a hearing to dispute the denial of MA benefits and/or the failure by DHS to evaluate Claimant for MA benefits effective 5/2011.

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).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The DHS-1171 is used for most applications and may also be used for redeterminations. BAM 110 at 3. The date of application is the date the local office receives the required minimum information on an application or the filing form. *Id.* at 4. An application or filing form, with the minimum information, must be registered on Bridges (the DHS database) unless the client is already active for that program. *Id.* at 6. Generally, for approved MA benefits, the MA eligibility begin date is the first date of the month of application.

Claimant's AHR contended that an Assistance Application requesting MA benefits was submitted to DHS on 5/11/11. In support of the contention, Claimant presented an Assistance Application dated by Claimant on 5/5/2011. A signature date of 5/5/11 on an Assistance Application, due to its close proximity to 5/11/11, is somewhat persuasive in establishing a 5/11/11 submission date.

Claimant also presented an internal document (Exhibit 1) which Claimant's AHR uses in DHS submissions to summarize which documents are being submitted to DHS. The presented document noted that an Assistance Application was submitted on behalf of Claimant and shows a purported DHS date stamp receipt of 5/11/11. This tended to support the AHR contention that an application was submitted on behalf of Claimant on 5/11/11.

In response, DHS contended that Claimant's Assistance Application was received by DHS on 8/31/11, not 5/11/11. One document that might have helped the DHS contention would have been presenting the Assistance Application that was submitted on 8/31/11; if DHS could have presented the application, it would have at least established that DHS received an application on 8/31/11 and questions could have been raised as to why Claimant would have submitted two applications requesting MA benefits. DHS was unable to furnish an application dated 8/31/11. This tends to be supportive of finding that Claimant submitted an application to DHS on 5/11/11.

Based on the presented evidence, it is found that DHS received an Assistance Application from Claimant's authorized representative on 5/11/11. As it was not disputed that DHS failed to process an application dated 5/11/11 from Claimant, it can only be found that it was error by DHS to not process the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to register Claimant's Assistance Application dated 5/11/11 requesting MA benefits. It is ordered that DHS:

- (1) register an application requesting MA benefits for 5/11/11 on behalf of Claimant;
- (2) process Claimant's application in accordance with DHS regulations; and
- (3) supplement Claimant for any benefits not received as a result of the DHS error.

The actions taken by DHS are REVERSED.



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

Date Signed: May 18, 2012

Date Mailed: May 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

CG/hw

cc:

