

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201250247
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: June 7, 2012
County: Wayne DHS (18)

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 June 7, 2012 from Taylor, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist; [REDACTED], Specialist, appeared by telephone on behalf of DHS.

ISSUE

The issue is whether DHS properly failed to process Claimant's application dated 1/11/11.

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 1/11/11, Claimant submitted an Assistance Application to DHS requesting MA benefits.
2. The status of Claimant's MA benefit application is unknown.
3. On 8/2/11, Claimant requested a hearing to dispute the failure by DHS to process Claimant's MA benefit application.

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.

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 based on a disability is 90 days. BAM 115 at 11.


In the present case, it was not disputed that Claimant submitted an application requesting MA benefits to DHS on 1/11/11. The claim of MA benefits is presumed to be based on a disability. DHS provided testimony that Claimant's application was submitted to DHS staff responsible for registering applications. DHS could not state whether Claimant's MA benefit application was registered. DHS could also not state whether the application was approved, denied or still pending. Based on the presented evidence, it is found that DHS failed to establish whether Claimant's application was properly registered and processed. The proper remedy is for DHS to register and process Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that DHS failed to register and process Claimant's application for MA benefits dated 1/11/11. It is ordered that DHS:

- (1) register Claimant's application for MA benefits dated 1/11/11; and
- (2) process Claimant's application dated 1/11/11 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: June 18, 2012

Date Mailed: June 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:

