

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

IN THE MATTER OF:



Reg. No: 201254576
Issue No: 2012
Case No: [REDACTED]
Hearing Date: August 20, 2012
Genesee #06 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 May 16, 2012. After due notice, a telephone hearing was held on August 20, 2012.

ISSUE

Whether the Department of Human Services (Department) properly processed 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 June 7, 2011, the Claimant signed an application for benefits (DHS-1171).
2. On June 7, 2011, the Claimant signed an Authorization for Release of Information form.
3. On July 7, 2012, the Department received the Claimant's application for assistance and Authorization for Release of Information form.
4. On July 14, 2011, the Department sent the Claimant an Incomplete Application Notice (DHS-723).
5. On July 14, 2011, the Department sent the Claimant a Notice of Missing Information (DHS-330), notifying him that the Department required written authorization to allow his representative to submit an application for benefits on his behalf.

6. On July 14, 2011, the Department registered the Claimant's application for assistance.
7. On August 1, 2011, the Department denied the Claimant's application.
8. The Department received the Claimant's request for a hearing on May 16, 2012, protesting Department's failure to process his 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).

A request for assistance may be in person, by mail, telephone, email or online. Any person, regardless of age, or their authorized representative (AR) may apply for assistance. The date of application is the date the local office receives the required minimum information on an application or the filing form. An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). Application may be made on behalf of a client by his spouse, parent, legal guardian, adult child, stepchild, specified relative or any other person provided the person is at least age 18 or married. If this person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative, the person must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s) or legal guardian. Department of Human Services Bridges Assistance Manual (BAM) 110 (July 1, 2011), pp 1-9.

When an assistance application is received in the local office without the applicant's signature or without a signed document authorizing someone to act on the applicant's behalf you must do the following:

- Register the application as a request if it contains a signature.
- Send a DHS-330, Notice of Missing Information, to the individual explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.
- Allow 10 days for a response. You cannot deny an application due to incompleteness until 10 calendar days from the date of your initial

request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.

Record the date the application or filing form with the minimum information is received. The application must be registered and disposed of on Bridges, using the receipt date as the application date. BAM 110, p 8.

An application received from an agency is acceptable if it is signed by an individual and is accompanied by written documentation from the client authorizing the agency to act as their authorized representative. BAM 110, p8.

An application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative. Department of Human Services Bridges Assistance Manual (BAM) 105 (June 1, 2011), p 1.

In this case, the Claimant signed an application for assistance and Authorization for Release of Information form on June 7, 2011. On July 7, 2012, the Department received the Claimant's application for assistance and Authorization for Release of Information form.

On July 14, 2011, the Department sent the Claimant an Incomplete Application Notice (DHS-723). On July 14, 2011, the Department sent the Claimant a Notice of Missing Information (DHS-330), notifying him that the Department required written authorization to allow his representative to submit an application for benefits on his behalf.

On July 14, 2011, the Department registered the Claimant's application for assistance. On August 1, 2011, the Department denied the Claimant's application.

The Department argued that it had denied the Claimant's application for assistance because it did not include written authorization for his representative to act on his behalf. The Department's representative testified that Authorization for Release of Information form received on July 14, 2011, does not contain the Claimant's signature and is insufficient to authorize the representative to act on the Claimant's behalf. The Department's representative testified that there was significant doubt as to the authenticity of the signatures on the Authorization for Release of Information form and application for assistance.

The Authorization for Release of Information form and application for assistance have a printed name that has been crossed off and replaced with the Claimant's name.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the crossed off name replaced by the Claimant's name does not invalidate these forms. The corrections to the printed name of the application do not raise sufficient doubt as to the authenticity of the document but appear to be a minor clerical correction to the document. It should be noted that other identifying information on these documents such as social security number, address, and telephone number was not questioned.

This Administrative Law Judge finds that Department has failed to establish the signatures on the Authorization for Release of Information form and application for assistance are not the signatures of the Claimant, or that the Department should not have accepted these signatures as they appear. The Department failed to establish how it determined that the signature was not authentic other than a cursory comparison to another signature of the Claimant. This Administrative Law Judge finds that the Department had no basis for determining that there was a forged signature on the forms it received.

The Department's representative testified that the Authorization for Release of Information did not authorize the Claimant's representative to apply for benefits on his behalf.

However, the Authorization for Release of Information form includes a statement that the Claimant expressly authorizes his representative ([REDACTED]) to seek assistance on his behalf.

Based on the evidence and testimony available during the hearing, the Claimant's representative has established that sufficient information was submitted on July 14, 2011, for the Department to process his application for Medical Assistance (MA) and retroactive Medical Assistance (MA).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly failed to process the Claimant's application for assistance received by the Department on July 7, 2011.

Accordingly, the Department's Medical Assistance (MA) eligibility determination is **REVERSED**. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) and retroactive Medical Assistance (MA) based on his application for assistance received on July 7, 2011.
2. Provide the Claimant and his representative with written notification of the Department's revised eligibility determination.

3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

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

Date Signed: August 21, 2012

Date Mailed: August 21, 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:

