

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-75629
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: December 12, 2012
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, a telephone hearing was held on December 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process an application for Medical Assistance (MA)?

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 October 24, 2008, Claimant's representative filed an application for MA benefits.
2. On November 19, 2008, verifications were purported to have been faxed.
3. On January 28, 2009, an application for MA benefits seeking retro back to October 2008 was submitted to the Department.
4. On August 31, 2012, Claimant's representative requested a hearing to prompt processing of the application submitted on October 24, 2008.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

In the instant case, Claimant's representative requested a hearing regarding an application dated October 24, 2008. Claimant's representative asserted the Department never processed this application for benefits up to and including a notice of case action. The Department at hearing indicated a separate application filed on January 28, 2009, with a request for retro back to October 2008 was processed and denied by the Medical Review Team (MRT). Further, the Department pointed to an SOLQ indicating Claimant was approved for Social Security benefits with an onset disability date of August 31, 2011.

The first issue to address is whether or not the hearing request is timely. Claimant and/or his representative have 90 days from the notice of case action to request a hearing. In the instant case, Claimant's representative asserts no such case action was sent or provided for the application dated October 24, 2008. After reviewing the evidence and testimony submitted, this Administrative Law Judge agrees no notice of case action for the October 24, 2008, application was provided. Therefore, the hearing request time frame has not started and the hearing request in question is not untimely.

The second issue is whether or not the Department properly processed Claimant's application. There appears to be no dispute that an application was, in fact, submitted on October 24, 2008, for MA benefits. Further, no evidence or testimony was provided which demonstrated this application was properly registered and processed up to and including an MRT review and decision. BAM 115, p. 1 (October 2008), requires the Department to register and process each application. This includes issuing an eligibility decision notice. As stated above, this did not occur.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when .
 did not act properly when failing to process Claimant's application dated October 24, 2008.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate registration of Claimant's application dated October 24, 2008;
2. Process the application in accordance with policy;
3. Issue an eligibility notice regarding the request for benefits.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2013

Date Mailed: March 12, 2013

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

JWO/pf

cc:

