

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-20420
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 18, 2013
County: Wayne (82-17)

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 April 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

During the hearing, it was discovered the Michigan Administrative Hearing System had incorrectly scheduled the above matter as a disability determination. Claimant's hearing request clearly reflects a request to prompt the issuance of a proper notice of case action. Therefore, the only matter addressed by this hearing decision is whether the Department issued a proper notice of case action to Claimant's representative.

ISSUE

Did the Department properly issue a notice of case action to Claimant's representative?

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 February 2, 2012, an application for Medical Assistance (MA), including a request for retro MA back to November 2011, was submitted on behalf of Claimant.
2. On June 5, 2012, Claimant's representative requested a hearing regarding the failure to receive a case action notice regarding the application submitted providing the reason for denial.

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 application dated February 2, 2012, was processed by the Department. The Department issued a notice of case action on April 12, 2012, to Claimant. Claimant's representative never received a case action notice regarding the application they submitted. They indicated via their hearing request they had received an MSA 2565 form indicating denial. This form failed to state the basis for denial. Claimant's representative filed a hearing request on June 5, 2012, to prompt the issuance of a proper notice of case action which, according to BAM 600, p. 1, should include the reason for denial and the policy utilized. This section requires the Department to not only give the above information but also inform clients regarding their right to appeal.

At hearing, the Department was unable to produce evidence which demonstrated a notice of case action had been properly issued to Claimant's representative. Claimant's representative assumes all responsibilities of Claimant and, therefore, all communications and requests are to be properly sent to the assigned representative. BAM 110, p. 7.

After reviewing the evidence, this Administrative Law Judge finds the Department has not demonstrated to date that Claimant's representative has been given proper case action notice regarding the application dated February 2, 2012.

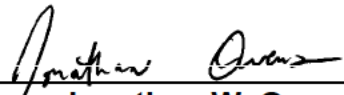
DECISION AND ORDER

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 not act properly when it failed to issue a case action notice to Claimant's representative advising of denial, the basis of denial and the right to appeal.

Accordingly, the Department is ORDERED to do the following within 10 DAYS of the date of mailing of this Decision and Order:

1. Issue a currently dated written case action notice regarding Claimant's February 2, 2012, application for MA;

2. This notice shall include and comply with policy both indicating the denial, the basis for denial and the right to request a hearing.



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

Date Signed: April 18, 2013

Date Mailed: April 18, 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 affect the substantial rights of the claimant:
 - 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:

