

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-22040
Issue No.: 2008
Case No.: [REDACTED]
Hearing Date: May 9, 2013
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 May 9, 2013, from Detroit, Michigan. Participants included [REDACTED]

[REDACTED] No participant on behalf of Department of Human Services (Department) was present for the hearing.

ISSUE

Whether the Department properly processed Claimant's Medical Assistance (MA) application?

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 18, 2010, Claimant applied for MA benefits and sought retroactive coverage back to November of 2009. Exhibit 1.
2. Neither Claimant nor Claimant's AHR received a response to the application from the Department.
3. On December 20, 2012, the Department received Claimant's AHR's written request for hearing addressing the Department's failure to process the MA application. Exhibit 1.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

As a preliminary matter, the Department was not present at the hearing. The Michigan Administrative Hearing System in Detroit, Michigan, made multiple attempts to contact the Department without any success. Also, the Department failed to call in for the hearing as well. The hearing was scheduled at 8:30 a.m. and Claimant's AHR called in

for the hearing at approximately 9:28 a.m. Thus, this hearing proceeded with only Claimant's AHR present.

Any person, regardless of age, or their AHR may apply for assistance. BAM 110 (February 2010), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 16. The standard of promptness (SOP) begins the date the Department receives an application/filing form, with minimum required information. BAM 115 (February 2010), p. 11. For MA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 11. If the group is ineligible in the application process, the Department must certify the denial within the SOP and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 16. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 16.

Claimant's AHR testified that Claimant applied for MA benefits on February 18, 2010, and sought retroactive coverage back to November of 2009. Claimant's AHR provided proof that the application was sent via shipping on February 17, 2010, to the Department office. Exhibit 1. This package included the MA application, Retroactive Medicaid Application, and authorization for the AHR to represent Claimant. Claimant's AHR testified that she never received a response to the application or the retroactive application from the Department.

Based on the foregoing information and evidence, the Department failed to process the February 18, 2010, application for MA and retroactive MA back to November 2009. The Department was not present at the hearing to rebut Claimant's AHR's testimony. Moreover, Claimant's AHR was entitled to receive a response to the application as they appropriately submitted the required documents to represent Claimant at the time of application. Thus, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to take any action on Claimant's application for MA and retroactive MA.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department failed to take any action on Claimant's MA and retroactive application.

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 did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and 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. Register and initiate processing of Claimant's February 18, 2010, MA application, retroactive to November of 2009;
2. Begin issuing supplements to Claimant for any MA benefits she was eligible to receive but did not from November of 2009, ongoing; and
3. Notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 15, 2013

Date Mailed: May 16, 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

2013-22040/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

