

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201323400
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 13, 2013
County: Wayne DHS (19)

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, a telephone hearing was held on May 13, 2013, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Medical Contact Worker.

ISSUE

The issue is whether DHS timely processed Claimant's application for Medical Assistance (MA) benefits.

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 7/14/10, Claimant applied for MA benefits, including retroactive MA benefits back to 6/2010.
2. Claimant's application alleged MA eligibility based on disability.
3. Claimant submitted sufficient records for Medical Review Team (MRT) review.
4. On 9/29/10, DHS forwarded the medical packet to MRT for review.
5. On 1/4/13, Claimant requested a hearing concerning the failure by DHS to process Claimant's MA benefit application.

6. As of 1/4/13, DHS has still not processed 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).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that the request noted that Claimant's AHR required special arrangements to participate in the administrative hearing. Specifically, it was noted that the hearing be a three-way hearing. The accommodation was met, as the hearing was held in three-way telephone call fashion.

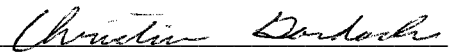
Claimant's AHR requested a hearing to compel DHS to process Claimant's MA benefit application dated 7/14/10. It was not disputed that Claimant's MA benefit application was based on a claimed disability. DHS has 90 days to process applications for MA categories in which disability is an eligibility factor. BAM 115 (7/2010), p. 11. Nearly three years later after Claimant's application submission, DHS had not processed the application.

DHS provided testimony that Claimant's application remained stagnant in the processing chain until Claimant's hearing request was filed. Since then, DHS credibly testified that progress has been made in the application processing. At the time of hearing, MRT was evaluating Claimant's disability claim.

It is generally accepted that DHS takes longer than 90 days to evaluate applications based on disability. This is partially due to the numerous steps required to process such applications (see BAM 815) and the immense quantity of applications submitted by clients. It is tempting to order DHS to immediately determine Claimant's eligibility; however, such a remedy may be counter-productive. Realistically, DHS probably could not process Claimant's application within 10 days of the date of the below order- ten days being the mandatory timeframe DHS has to comply with orders. If DHS attempted to meet the 10 day timeframe, it may result in a haphazard evaluation of Claimant's disability. As a compromise to each party's interest, the below order reflects that DHS is not compelled to expedite the processing of Claimant's application while acknowledging that DHS failed to meet their processing standards. This compromise appeared to be acceptable to Claimant's AHR who only sought progress on the application processing rather than an immediate decision of disability.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to timely process Claimant's MA benefit application. It is ordered that DHS continue processing of Claimant's MA benefit application dated 7/14/10. The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/21/2013

Date Mailed: 5/21/2013

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

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Cc:

