

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201324076
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne County (#17)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Wednesday, April 24, 2013. Participant on behalf of Claimant was [REDACTED]. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Assistant Payment Worker).

ISSUE

Whether the Department properly processed the 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. The Claimant did not participate in the hearing process.
2. On February 24, 2012, the Department received an application for Medicaid with request for retro MA back to November 2011 from L & S Associates on behalf of the Claimant as Authorized Hearing Representative (AHR).
3. The Department processed the MA application and submitted it to the Medical Review Team.

4. On July 10, 2012, the MRT issued a decision indicating the Claimant is not disabled.
5. On July 13, 2012, the Department mailed Notice of Case Action to the Claimant but not to the Authorized Hearing Representative.
6. On August 9, 2012, the Department (Ingham County) received a written hearing request from the AHR concerning the processing of the Medicaid application. The request indicated the Representative was willing to withdraw the hearing request if provided with a dated Eligibility Notice or copy of DHS-49A indicating submission to the Medical Review Team.
7. On December 17, 2012, the Department processed the hearing request based on the date received in the county office where the Claimant is located per policy.
8. The Department did not provide the Hearing Representative with notice of the MRT decision (DHS-49A) or Notice of Case Action, dated July 13, 2012, until it submitted the hearing packet on, or about, January 23, 2013 in preparation for Hearing.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 24, 2012, was processed by the Department. The Department issued a notice of case action on July 13, 2012, to Claimant. Claimant's representative never received the case action notice regarding the application they submitted. The AHR filed a hearing request on August 9, 2012, to prompt the issuance of a proper notice of case action. The hearing request indicated the willingness to withdraw the hearing request upon receipt of proper notice or an MRT eligibility notice. Policy requires the Department to properly notify clients about the action taken and their right to appeal. Claimant's authorized representative assumes all responsibilities of Claimant and, therefore, all communications and requests are to be properly sent to the assigned representative. BAM 110 (January 2013), p. 7.

At hearing, the Department acknowledged that Notice of Case Action was not properly issued to Claimant's representative. As a result of not receiving proper notice, the AHR was unable to request a timely hearing on the MRT determination.


After reviewing the evidence, this Administrative Law Judge finds the Department did not establish that Claimant's representative was given proper notice of case action regarding the application dated February 24, 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 Notice of Case Action and/or MRT determination 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 Notice of Case Action regarding Claimant's February 24, 2012, application for MA benefits;
2. The Notice of Case Action shall comply with policy to include the denial, the basis for denial and the right to request a hearing.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/1/2013

Date Mailed: 5/1/2013

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

MH/hw

cc:

