

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201324452
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 16, 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 the above-named Claimant, [REDACTED], Claimant's father testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Supervisor.

ISSUE

The issue is whether DHS timely processed Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) 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 an unspecified date in 11/2012, Claimant applied for MA and SDA benefits.
2. Claimant's application alleged that Claimant was a disabled individual.
3. On 12/4/12, DHS mailed Claimant a Notice of Case Action informing Claimant of a denial of MA and SDA benefits.
4. On an unspecified subsequent date, DHS reinstated Claimant's MA and SDA benefit application after realizing that the application denials occurred in error.

5. On 1/10/13, Claimant requested a hearing concerning to dispute the denial of MA and SDA benefits.

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 required special arrangements to participate in the administrative hearing. Claimant testified that she had multiple physical and psychological problems. The only one stated by Claimant that could affect her hearing participation was that she often needed to use the restroom. Claimant was advised that she could interrupt the hearing at any time so that she could use the restroom. The hearing was conducted without any such requests.

It should also be noted that Claimant's hearing request listed that she had an authorized hearing representative (AHR). The AHR did not appear for the hearing. Claimant stated that the AHR was not going to appear. The hearing was conducted with Claimant representing herself.

Claimant originally requested a hearing to dispute a denial of an MA benefit application. As it happened, DHS conceded that the denial occurred in error and reinstated the application. As of the date of the hearing, DHS had not fully processed the application. Despite, the reinstatement, Claimant was dissatisfied that DHS had not evaluated her MA and SDA eligibility.

It was not disputed that Claimant's MA and SDA 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.

It is generally accepted that DHS takes longer than 90 days to evaluate applications when a disability determination must be made. This is partially due to the numerous steps required to process such applications (see BAM 815), the general patience DHS gives to clients (e.g. clients can get up to three extensions on medical record request deadlines) and the immense quantity of applications submitted by clients. It is tempting to immediately order DHS to determine Claimant's MA and SDA 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 attempts to meet the 10 day timeframe, it may result in haphazardly evaluating 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.

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 and SDA benefit application. It is ordered that DHS continue processing of Claimant's MA and SDA benefit application. The actions taken by DHS are REVERSED.



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

Date Signed: 5/28/2013

Date Mailed: 5/28/2013

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

CG/hw

cc:

