

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201326280
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 20, 2013
County: Wayne County (#82)

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 on Monday, May 20, 2013, from Detroit, Michigan. Participant on behalf of Claimant was [REDACTED]. Several attempts were made to contact the Department. The hearing proceeded in the absence of the Department of Human Services (DHS). The hearing was scheduled at 3:00 p.m. and commenced at 4:05 p.m.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance (MA) program 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 July 26, 2012, the Department received an application for Medicaid with request for retro MA to June 2012 from [REDACTED] on behalf of the Claimant as Authorized Hearing Representative (AHR).
2. The Department submitted the application to the Medical Review Team (MRT).
3. On August 31, 2012, the MRT issued a decision denying the Claimant as disabled.
4. The Claimant's Authorized Hearing Representative ([REDACTED]) did not receive notice of the MRT decision or case action.

5. On January 16, 2013, the Department (Ingham County) received a written hearing request from ██████ concerning the processing of the Claimant's Medicaid application. The request stated ██████ 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.
6. The Department did not provide L& S with notice of the MRT decision (DHS-49A) or Notice of Case Action until sending the hearing packet 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 July 26, 2012 MA application was processed by the Department. The Department did not send the Claimant's authorized hearing representative ██████ notice of the case action or MRT decision. ██████ filed a hearing request on January 16, 2013, to prompt the issuance of a proper notice of case action. Notably, the hearing request indicated a willingness to withdraw the hearing request upon receipt of proper notice or an MRT eligibility notice. The documents were not received by ██████ as requested. 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. That was not done in this case.

The Department did not appear at hearing and thus did not refute that proper notice was issued to the Claimant's authorized hearing representative, as required. As a result of not receiving proper notice, ██████ 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 July 26, 2012 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 the Department did not act in accordance with policy when it process the Claimant's MA application.

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

1. The Department shall notify the Authorized Representative in writing the Notice of Case Action regarding the Claimant's July 26, 2012 MA application.
2. The Department shall ensure the Notice of Case Action shall comply with policy to include the denial, the basis for denial and the right to request a hearing.

M. Howie

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

Date Signed: 5/29/2013

Date Mailed: 5/29/2013

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.

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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:

