

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201327739
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 20, 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, an in-person hearing was held on May 20, 2013, from Inkster, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

ISSUE

The issue is whether DHS properly failed to evaluate Claimant for Medical Assistance (MA) benefits for 7/2010-9/2010.

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 10/29/10, Claimant applied for MA benefits, including retroactive MA benefits from 7/2010.
2. Claimant's application had an authorized representative (AR).
3. On 8/1/11, DHS mailed a denial of the application to Claimant.
4. DHS failed to mail the denial to Claimant's AR.
5. On 1/30/13, Claimant requested a hearing to dispute the failure by DHS to process Claimant's application.

6. On an unspecified date, DHS approved MA benefits for Claimant, effective 10/2010.

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 AHR's hearing request, it should be noted that the request noted that special arrangements to participate in the administrative hearing were requested. Specifically, an in-person hearing was requested. Claimant's AHR's request was granted.

In the Hearing Summary, DHS stated that Claimant was eligible for MA benefits since 10/2010 and that Claimant's AR/AHR no longer has a dispute. The Hearing Summary failed to address Claimant's retroactive MA benefit eligibility (7/2010-9/2010).

The Hearing Summary implied that Claimant was deemed disabled by DHS. DHS changed their argument during the hearing. DHS presented testimony that Claimant was never found disabled and that any disability benefits issued to Claimant were given in error.

The administrative hearing exclusively dealt with determining whether DHS ever determined Claimant to be disabled in the hopes of putting the issue to rest; unfortunately, neither side presented definitive evidence to resolve the dispute. Thus, instead of deciding Claimant's dispute concerning retroactive MA benefits, this decision will only address the issues in dispute cited in the hearing request.

Claimant's hearing request noted that a hearing was sought to compel DHS to process Claimant's MA benefit application dated 10/29/10. The AHR assumed DHS failed to process Claimant's application because they did not receive a written notice of the application outcome. DHS responded that the application was denied in 2011.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (5/2010), p. 4. The request must be received anywhere in DHS within the 90 days. *Id.*

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). BAM 110 (7/2010), p. 7. The AR assumes all the responsibilities of a client. *Id.*, p. 8. Based on DHS regulation, Claimant's AR is entitled to receive notice of any application decisions.

DHS had notice of Claimant's dispute and failed to present evidence negating the claim of the AR/AHR. Based on the presented evidence, Claimant's AR/AHR is entitled to a written notice of the application denial. It should be noted that DHS must note an updated date of mailing on the notice so as to preserve Claimant's hearing rights concerning retroactive MA benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to provide notice of an application denial to Claimant's AR/AHR. It is ordered that DHS:

- (1) mail written notice of denial for Claimant's application dated 10/29/10 to Claimant's AR/AHR; and
- (2) insure that the written notice date is update to reflect the date of mailing to insure preservation of Claimant's hearing rights.

The actions taken by DHS are REVERSED.



Christian Gardocki
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.

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:

