

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328614
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne County (#19)

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 June 5, 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.
2. On June 29, 2009, the Department received an application for Medicaid with request for retro MA to February 2009 from the Claimant, completed by [REDACTED]. (Exhibit 3)
3. On March 23, 2010, the Department received a hearing request from [REDACTED] for the Claimant concerning the processing of her MA application. (Exhibit 4)

4. On May 7, 2010, the Department sent Claimant an Application Notice notifying that the MA application was denied based on Claimant's withdrawal or failure to complete the application process. (Exhibit 2)
5. On June 21, 2010 the Department received a second written hearing request from Independent Medical Networks as Authorized Hearing Representative (AHR) on behalf of Claimant, along with an authorization form signed by the Claimant on June 18, 2010. (Exhibit 1)

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 June 26, 2009 was denied by the Department on May 7, 2010. The Department representative testified that she spoke with Claimant in May 2010 about the status of the pending MA application, at which time the Claimant was unaware that [REDACTED] filed a hearing request on her behalf in March 2010. The Department representative further testified that she observed a letter sent to Claimant from [REDACTED] indicating that her medical expenses were covered for February 2009 through a Support Fund. As a result the Claimant was willing to complete a Hearing Request Withdrawal. The case was subsequently denied on May 7, 2010, based on Claimant's willingness to withdraw the application and not complete the application process.

The AHR testified that Claimant still has remaining hospital expenses that were not covered based on a subsequent hospitalization in March 2009. Policy provides that the Department act upon an application for MA with disability as an eligibility factor within 90 days. Here, the Department did not act upon Claimant's June 24, 2009 application until May 7, 2010, well beyond the standard of promptness. In addition, while the Department asserts the Claimant willingly withdrew from the application process, the Department did not provide any substantial evidence (such as a written withdrawal form or Claimant's testimony to support the assertion). The Department representative's testimony regarding what the Claimant allegedly said to her is insufficient alone to support a finding that Claimant willingly withdrew from the application process. The AHR presented an authorization form signed by Claimant on June 18, 2010 after the MA application denial authorizing the AHR to request a hearing on her behalf, which indicates the Claimant did not willingly withdraw her application.

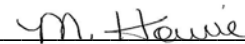
After reviewing the record, the undersigned finds the Department did not establish by a preponderance of the evidence that it properly processed Claimant's June 24, 2009 MA application prior to the May 7, 2010 denial. Accordingly, the Department's action is not upheld.

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 denied Claimant's June 24, 2009 MA application on May 7, 2010, based on Claimant's withdrawal or failing to complete the application process.

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 reinstate the Claimant's MA application dated June 24, 2009 and process in accordance with policy.
2. The Department shall notify the Claimant and AHR in writing regarding the eligibility determination in accordance with policy.



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

Date Signed: 6/18/2013

Date Mailed: 6/18/2013

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:

