

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

**IN THE MATTER OF:**

[REDACTED]

Reg No.: 2013-6038  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: January 10, 2013  
Oakland County DHS (02)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon L & S Associates, Inc. request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, January 10, 2013. The Claimant did not appear. [REDACTED] appeared on behalf of [REDACTED]. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

**ISSUE**

Whether the Department properly processed a Facility Admission Notice completed by L & S Associates, Inc. on October 28, 2011?

**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 October 28, 2011, a Facility Admission Notice was completed by [REDACTED] submitted to the Department. (Exhibit 1)
3. On May 10, 2012, the Claimant reportedly signed an Authorization to Represent authorizing [REDACTED] to be the Claimant's Authorized Representative ("AR"). (Exhibit 2)
4. On October 12, 2012, the Department received a written request for hearing from L & S.

### **CONCLUSIONS OF LAW**

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“RFT”).

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110 (October 2011), p. 1. Before an application or Filing Form is registered, it must be signed by the client or authorized representative. BAM 115 (January 2011), p. 2. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. BAM 105 (June 2011), p. 1. Receipt of a completed MSA-2565-C, Facility Admission Notice, serves as a request for MA. BAM 110, p. 2. Any person, regardless of age, or their authorized representative may apply for assistance. BAM 110, p. 4. An authorized representative (“AR”) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. BAM 110. Application for MA benefits may be made on behalf of a client by the spouse, parent, legal guardian, adult child, stepchild, specified relative, or any other person provided the person is at least age 18 or married. BAM 110, p. 7. If the person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative, the person must have a signed authorization to act on behalf of the client, by the client, client’s spouse, parent(s), or legal guardian. BAM 110, pp. 7, 8. The application form must be signed by the client or the individual acting as the Authorized Representative (“AR”). BAM 110, p. 8.

An incomplete application contains the minimum information required for registering an application. BAM 115, p. 3. When an incomplete application is filed, the application is retained and a Verification Checklist is provided. BAM 115, p. 3. Bridges retains the original registration date, regardless of how or when the application becomes complete. BAM 115, p. 3.

In this case, the Department received a Facility Admission Notice in October 2011, signed by L & S. At this point, L & S was not an AR as there was no signed authorization by the Claimant authorizing L & S to apply for benefits on his behalf. The argument that the Facility Admission Notice should be considered as an incomplete application, thus requiring the Department to register it and send the appropriate application form, ignores the fact L & S had no authority whatsoever to even apply for benefits on behalf of the Claimant. An application or filing form must be registered if it contains at least the name, birth date, and address of the applicant (unless homeless)

**and signature or the applicant/AR.** The October 2011 Facility Admission Notice lacked the minimum information necessary for registration. As such, the Department was not required to register and initiate processing. Ultimately, the Department established it acted in accordance with policy when it did not register the Facility Admission Notice because it was not signed by the Claimant or an AR. Accordingly, the Department's actions are AFFIRMED.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that because L & S Associates, Inc. was not the AR for the Claimant when the Facility Admission Notice was submitted to the Department in October 2011, thus not authorized to even apply for benefits on behalf of the Claimant, the Department was not required to register and initiate processing.

Accordingly, it is ORDERED:

The Department's actions are AFFIRMED.

*Colleen M. Mamelka*

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Colleen M. Mamelka  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: February 4, 2013

Date Mailed: February 4, 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.

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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

CMM/tm

cc:

