

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-48952  
Issue No.: 2006  
Case No.: [REDACTED]  
Hearing Date: September 25, 2013  
County: Oakland DHS (03)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**AMENDED 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 September 25, 2013, from Walled Lake, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application due to Claimant's failure to attend a medical appointment.

**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 [REDACTED]/11, Claimant applied for MA benefits.
2. Claimant's application listed an authorized representative (AR).
3. On an unspecified date, DHS scheduled a medical appointment for Claimant.
4. Claimant failed to attend the medical appointment.
5. DHS failed to provide notice of the appointment to Claimant and the AR.

6. On [REDACTED]/12, DHS mailed Claimant an Application Eligibility Notice informing Claimant that the application was denied due to Claimant's failure to attend the medical appointment.
7. On [REDACTED]/12, Claimant's AHR requested a hearing to dispute the MA application denial.

### **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).

Claimant's AHR requested a hearing to dispute the denial of an MA application. It was not disputed that the denial was based on a failure by Claimant to attend a medical appointment.

The client is responsible for providing evidence needed to prove disability or blindness. BEM 260 (7/2012), p. 4. However, DHS must assist the customer when they need help to obtain it. *Id.* Such help includes scheduling medical exam appointments and paying for medical evidence and medical transportation. *Id.* A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and you (the assigned specialist) should deny the application or close the case. *Id.* It is not necessary to return the medical evidence to MRT for another decision in this instance. *Id.*

DHS is to use the DHS-800, Medical Appointment Confirmation, to notify the client of a scheduled appointment. BAM 815 (3/2013), p. 8. The DHS-800 tells the client:

- The department will not pay for a missed appointment.
- To call the physician, in advance, to reschedule if the client is unable to keep the appointment.
- To call his specialist if assistance is needed in rescheduling the appointment.

DHS failed to establish that notice of the appointment was ever mailed to Claimant. This alone is sufficient grounds for reversal. A second basis also exists.

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.

It was not disputed that Claimant had an AR. DHS failed to establish that notice of the medical appointment was mailed to the AR. Accordingly, the denial of MA benefits based on Claimant's failure to attend a medical appointment was improper.

It should be noted that this Hearing Decision is identical to a previously issued Hearing Decision but for one correction. The previous Hearing Decision wrongly ordered DHS to reinstate Claimant's application dated [REDACTED]/13. This Hearing Decision correctly orders DHS to reinstate Claimant's application dated [REDACTED]/11.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's application dated [REDACTED]/11, subject to the finding that DHS failed to give proper notice of a required medical appointment to Claimant and the AR; and
- (2) initiate processing of Claimant's application.

The actions taken by DHS are REVERSED.



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

Date Signed: 10/23/2013

Date Mailed: 10/23/2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;

- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

