

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-64545
Issue No.: 2012; 4001
Case No.: ██████████
Hearing Date: October 10, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative (AHR), ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Medical Contact Worker.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) application dated March 18, 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. On March 18, 2011, Claimant applied for MA and SDA benefits.
2. The Department failed to register and process Claimant's MA/SDA application.
3. On August 16, 2013, Claimant's AHR filed a hearing request, protesting the Department's action. See Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

As a preliminary matter, Claimant's hearing request is timely because he is disputing the failure to process an application. The Michigan Administrative Hearing System (MAHS) may grant a hearing regarding a delay of any action beyond standards of promptness. BAM 600 (July 2013), p. 3. Claimant's hearing request falls within this category. Thus, Claimant's hearing request is timely and the hearing proceeded accordingly. BAM 600, p. 3.

Any person, regardless of age, or their authorized representative (AR) may apply for assistance. BAM 110 (January 2011), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 16. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (January 2011), p. 11. For MA and SDA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 11. However, there are exceptions to these benefits programs for processing times, which are described as follows: 60 days for SDA applicants and 90 days for MA categories in which disability is an eligibility factor. BAM 115, p. 11. The SOP can be extended 60 days from the date of deferral by the Medical Review Team. BAM 115, p. 12.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 16. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 16.

In this case, on March 18, 2011, Claimant applied for MA and SDA benefits. At the hearing, the Department agreed to register and reprocess the March 18, 2011, MA/SDA application.

Based on the foregoing information and evidence, the Department failed to process Claimant's March 18, 2011, MA/SDA application within the standard of promptness. BAM 115, p. 13. Thus, the Department did not act in accordance with Department policy and will have to reprocess Claimant's application.

DECISION AND ORDER

Accordingly, the Department's MA/SDA decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register the MA/SDA application dated March 18, 2011;
2. Begin reprocessing the application/recalculating the MA/SDA budget from the time of application, in accordance with Department policy;
3. Issue supplements to Claimant for any MA/SDA benefits he was eligible to receive but did not from the date of application; and
4. Notify Claimant and Claimant's AHR in writing of its MA/SDA decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 24, 2013

Date Mailed: October 24, 2013

NOTICE OF APPEAL: 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.

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).

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

EJF/cl

cc:

[Redacted]
[Redacted]
[Redacted]
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