

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

IN THE MATTER OF:

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

Reg. No.: 2013-68316
Issue No(s): 1004
Case No.: ██████████
Hearing Date: December 5, 2013
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 December 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

ISSUE

Was the Department correct in not processing an application for Medical Assistance (MA) benefits not signed by Claimant or an Authorized Representative (AR) of Claimant?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. ██████████. submitted to the Department a Filing Form and Facility Admission Notice (MSA-2565-C) purportedly on behalf of Claimant on September 26, 2012. (Exhibit A, pp. 6, 7)
2. Claimant signed an Authorization for Release of Information on April 4, 2013 and Authorization to Represent on April 25, 2013 with ██████████ (Exhibit A, pp. 52, 53)
3. On September 10, 2013, Claimant requested a hearing to compel the Department to register and process the September 26, 2012 application for MA.

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.

BAM 110, p. 9 (5/1/12) instructs with regard to MA:

An authorized representative must be one of the following:

- An adult child or stepchild.
- A specified relative; see [BEM 135](#).
- Designated in writing by the client.
- Court appointed.
- A representative of an institution (such as jail or prison) where the client is in custody.

...

When an assistance application is received in the local office without the applicant's signature or without a signed document authorizing someone to act on the applicant's behalf you must do the following:

Register the application as a request if it contains a signature.

- Send a DHS-330, Notice of Missing Information, to the individual explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or individual who filled out the application with the notice.
- Allow 10 days for a response. You cannot deny an application due to incompleteness until 10 calendar days from the date of your initial request in writing to the applicant to complete the application form or supply missing information, or the initial scheduled interview.
- Record the date the application or filing form with the minimum information is received. The application must be

registered and disposed of on Bridges, using the receipt date as the application date.

In the present case, on September 26, 2012, [REDACTED] submitted to the Department a filing form and Facility Admission Notice (MSA-2565-C), purportedly on behalf of Claimant. Claimant signed an Authorization for Release of Information on April 4, 2013 and Authorization to Represent on April 25, 2013 with [REDACTED]. On September 10, 2013, Claimant requested a hearing to compel the Department to register and process the September 26, 2012 application for MA.

Per BAM 110, p. 2 (5/01/12) receipt of a completed MSA-2565-C Facility Admission Notice serves as a request for MA and must be registered. The Department did not register the September 26, 2012 Facility Admission Notice.

It is noted that although the Department did not receive a valid signature with the Facility Admission Notice of September 26, 2012 (an authorization to represent was not included), per BAM 110, p. 9 (5/01/12) the Department is to “send a DHS-330, Notice of Missing Information, to the individual explaining the need for a valid signature.” It does not appear that the Department issued a DHS-330 with respect to the September 26, 2012 Facility Admission Notice.

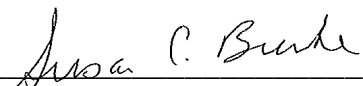
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to register and process the MSA-2565-C Facility Admission Notice purportedly filed on behalf of Claimant.

DECISION AND ORDER

Accordingly, the Department’s 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 September 26, 2012 Facility Admission Notice (MSA-2565-C)
2. Follow Department procedures in processing the Facility Admission Notice of September 26, 2012.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 27, 2013

Date Mailed: December 27, 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

SCB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]