

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201310005
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 16, 2013
County: Oakland 03

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on April 16, 2013. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services properly deny the Medical Assistance (MA) application submitted by [REDACTED] on February 28, 2012?

FINDINGS OF FACT

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

- (1) On February 28, 2012, [REDACTED] submitted a Filing Form (DHS-1171-F) on behalf of Claimant.
- (2) On April 12, 2012, [REDACTED] submitted a Medical Assistance (MA) application on behalf of Claimant. One of the documents submitted was a Retroactive Medicaid Application (DHS-3243) for November 2011, December 2011 and January 2012.
- (3) On May 17, 2012, [REDACTED] submitted a letter stating an application had been submitted for Claimant on February 28, 2012.
- (4) On May 25, 2012, Claimant was approved for Medical Assistance (MA) beginning February 2012.

- (5) On October 29, 2012, [REDACTED] submitted a request for hearing based on their assertion that the February 28, 2012 Filing Form should be accepted and processed.

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). The Department of Human Services (DHS or department) 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 Program Reference Manual (PRM).

This record contains only one Authorization To Represent signed by Claimant. It was signed on April 28, 2012. Department of Human Services Bridges Administration Manual (BAM) 110 page 8 gives the requirements for being an authorized representative. Anyone other than a spouse, parent, legal guardian, adult child, stepchild, or specified relative must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s) or legal guardian.

[REDACTED] did not have a signed authorization to act on behalf of Claimant until April 28, 2012. The February 28, 2012 Filing Form was not valid. In addition, the most recent written notice that Medical Assistance (MA) coverage was not applied to November 2011 was on May 25, 2012 when Claimant approved for Medical Assistance (MA) beginning February 2012. The October 29, 2012, request for hearing does not meet the requirement of being filed with 90 days of that written notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides there is no jurisdiction to make decisions about this request for hearing.

This request for hearing is dismissed.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/10/13

Date Mailed: 5/13/13

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

GFH/tb

cc:

