

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201315862
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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, a telephone hearing was held on May 1, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], Senior Hearing Representative with [REDACTED], Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly process Claimant's October 29, 2010 application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant's AHR requested a hearing on January 23, 2012, regarding the Department's failure to process Claimant's October 29, 2010 MA application.
2. A hearing was held on June 7, 2012.
3. Pursuant to a Settlement Order dated June 21, 2012, the Department agreed to reregister and process the October 29, 2012 MA and retro MA application "upon presentation of the same" to the Department.

4. On November 29, 2012, Claimant's AHR requested a hearing, contending that the Department had failed to register and process the October 29, 2010 MA application.

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), and Department of Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, in a June 21, 2012 Settlement Order, concerning Claimant's MA case, the Department agreed to reregister and process Claimant's October 29, 2010 MA and retroactive MA applications "upon presentation of the same to the [D]epartment." The evidence at the current hearing established that, after the June 7, 2012 hearing resulting in the Settlement Order, Claimant's AHR forwarded another copy of Claimant's MA application signed on August 3, 2010 and filed with the Department on August 19, 2010. The August 19, 2010 MA application had been previously been registered, processed and denied.


The Department worker at the current hearing credibly testified that she contacted Claimant's AHR after she received the August 3, 2010 MA application, spoke to an employee asking for Claimant's October 29, 2010 MA application, and was advised that the application signed by Claimant on August 3, 2010 was the only application on file. None of the evidence presented at the hearing established that there was an October 29, 2010 MA application, or that this application was forwarded to the Department after the June 7, 2012 hearing in compliance with the terms of the Settlement Order, which required that the Department process the application "upon presentation". Under these circumstances, where Claimant's AHR did not present the October 29, 2010 MA application to the Department, the Department acted in accordance with Department policy when it did not take any further action with respect to the Settlement Order dated June 21, 2012.

Although Claimant's AHR contended that it should have received a Notice of Case Action advising it of the Department's actions with respect to the October 29, 2010 MA application, the Department responded that there was no reason to send a Notice of Case Action when Claimant's AHR failed to provide an application to process. See BAM 220 (November 2012), pp 1-2 (requiring that a client be notified of in writing of positive and negative actions upon certification of eligibility results). Furthermore, Claimant's AHR acknowledged that it was in receipt of a memo dated June 29, 2012, in which the Department advised the administrative law judge who issued the June 21, 2012 Settlement Order that Claimant's AHR had failed to present an October 29, 2010

application and, accordingly, it was unable to process the application. Thus, Claimant's AHR was notified by the Department of the reasons it was unable to comply with the Settlement Order terms.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it failed to register and process an October 29, 2010 application that was not submitted. Accordingly, the Department's decision is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/9/2013

Date Mailed: 5/9/2013

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.

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

ACE/hw

cc:

