

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

IN THE MATTER OF:



Reg. No: 201326102
Issue No: 2009
Case No: [REDACTED]
Hearing Date: July 11, 2013
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on July 11, 2013. Claimant appeared and provided testimony on his/her behalf with Archie Hayman of [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Was a MA-P application submitted to the DHS established?

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 March 13, 2009 L & S, on behalf of Claimant, claims they filed a MA-P application with delivery by Fed Ex.
2. The DHS received related documents along with a MA-P retro application for the months of December, 2008, January and February, 2009, but no application for MA-P on March 13, 2009 which would have consisted of approximately sixteen pages.
3. L & S did not disagree that there was no sixteen page application submitted along with the document for delivery by Fed Ex.

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

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the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Application is defined as a signed and dated statement on a form prescribed by the department that a person wishes to receive program benefits. ...BPG, Pg. 3.

Therefore, L & S has not sustained its burden of proof to establish it submitted, signed application to the DHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a submitted MA-P application to the DHS was not established.

Accordingly, processing of the claimed MA-P application is **DENIED** and so ORDERED.

/s/
William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 12, 2013

Date Mailed: July 15, 2013

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.

WAS/hj

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