

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201330076
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Washtenaw DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 4, 2013, from Ypsilanti, Michigan. Claimant did not appear. [REDACTED] appeared as Claimant authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly gave notice of a decision concerning an application for Medical Assistance (MA) benefits.

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 6/29/10, Claimant applied for MA benefits, including retroactive MA benefits from 3/2010-5/2010.
2. Claimant's application noted that Claimant had an authorized representative (AR).
3. On 9/27/10, DHS denied Claimant's application and mailed Claimant notice of the denial.
4. DHS failed to provide notice of the denial to Claimant's AR.

5. On 7/5/12, Claimant's AR requested a hearing to get DHS to process Claimant's MA benefit application, or to receive notice of the application disposition.

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). DHS 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 Reference Tables Manual (RFT).

Claimant's AHR (also Claimant's AR for the application dated 6/29/10) requested a hearing to dispute an alleged failure by DHS to process Claimant's MA benefit application dated 6/29/10. The AR/AHR assumed DHS failed to process Claimant's application because they did not receive written notice of the application outcome. DHS responded that the application was denied in 2010.

The client, or authorized hearing representative, has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (5/2010), p. 4. The request must be received anywhere in DHS within the 90 days. *Id.*

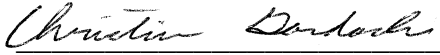
An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). BAM 110 (7/2010), p. 7. The AR assumes all the responsibilities of a client. *Id.*, p. 8.

DHS contended that Claimant's AHR failed to timely request a hearing because a hearing was requested nearly two years after DHS denied Claimant's MA benefit application. It was not disputed that DHS mailed notice of the denial to Claimant but not the application's listed AR. The AR was entitled to receive notice of the denial. DHS could not present any evidence that a Notice of Case Action was mailed to Claimant's AR. It is found that DHS failed to provide notice of the application disposition to Claimant's AR. The proper remedy for the failure to provide notice is to provide an updated notice to the AR to preserve the AR's right to appeal the application denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS provide Claimant's AR an updated notice of the denial of Claimant's MA benefit application dated 6/29/10.

The notice must include an updated date of mailing. The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/10/2013

Date Mailed: 4/10/2013

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

CG/hw

cc:

