

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-33840
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: June 4, 2013
County: Oakland-03 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 June 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] ([REDACTED]). Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department fail to process a December 5, 2011 Retro Medical Assistance (MA) application?

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 October 18, 2011, [REDACTED] passed away.
2. On October 31, 2011, the Claimant's daughter [REDACTED] completed a Retro MA application on behalf of her deceased father.
3. On or around December 5, 2011, [REDACTED] submitted the MA application on behalf of [REDACTED].
4. On February 13, 2013, [REDACTED] requested a hearing to prompt the Department to process the December 5, 2011 Retro MA application.
5. The Department has no record of the December 5, 2011 application being registered or processed.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The 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.

A request for assistance may be in person, by mail, telephone, email or online. Any person, regardless of age, or their authorized representative (AR) may apply for assistance. The date of application is the date the local office receives the required minimum information on an application or the filing form. Record the date of application on the application or filing form. Electronically filed applications include all applications filed online in MI Bridges, faxed, or emailed. For MA applications filed electronically, the date of the application is the submission date regardless of the time received. BAM 110 (December 2011).

An application with the minimum information must be registered in Bridges. BAM 110 (December 2011). A AR is the person who applies for assistance on behalf of the client and assumes all the responsibilities of the client this person can be the Client's adult child. BAM 110 (December 2011).

All applications with the minimum information that are signed must be registered within one workday for all requested programs. BAM 110 (December 2011).

I could not find any policy that forbid the Claimant's adult daughter from filing an application on his behalf and based upon the testimony and exhibits presented, I find no reason as to why the Department did not register and process the application submitted on December 5, 2011.

Notices of case action are generated and sent to the Client to notify the Client of positive and negative actions. There are two types of notice: adequate and timely. Adequate notice is written notice sent at the same time the action takes effect. Adequate notice is required upon the approval/denial of an application. BAM 110 (December 2011).

In this case, the Department should have sent the Claimant a notice of case action indicating the status of the December 5, 2011 application. There was zero testimony and zero evidence of this ever happening.

All clients have a right to a hearing to contest department decisions affecting their eligibility. Each notice of case action is to inform the client regarding their rights to a hearing. This should include how and where to file the hearing request. All clients should receive written notice of all case actions affecting their eligibility. BAM 600 (December 2011). Clients have 90 calendar days from the date of the written notice to

request a hearing. The request must be received anywhere in DHS within those 90 days. BAM 600 (December 2011).

In this case, the client was never issued a notice of case action and thus the Department failed to provide the Claimant with the both the notice that the Retro MA application was being denied and the notice regarding their rights to request a hearing. For this reason, I find the deadlines for requesting the hearing are tolled and therefore find [REDACTED]'s request for hearing to be timely.

Consequently, I find the Department failed to properly register the December 5, 2011 Retro MA application. The Department could not identify the specific reasons as to why the application wasn't registered and/or denied. The Department began by arguing policy regarding a probate issue, but was unable to identify the specific policy that required probate for an application to be filed and my review of BAM 110 could not find any.

Accordingly, I find the Department did not properly follow the applicable laws and policies in processing the Claimant's December 5, 2011 Retro MA application.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law the Department did not act properly.

Accordingly, the Department's MA decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process the Claimant's December 5, 2011 MA application and issue retroactive benefits if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 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

CAA/las

cc:

