

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-41880
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: Wayne DHS (17)

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, a telephone hearing was held on July 18, 2013, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly failed to process Claimant's application for Medical Assistance (MA) eligibility.

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 an unspecified date in 5/2012, Claimant applied for MA benefits and did not use an authorized representative (AR).
2. On 11/21/12, Claimant, through an AR submitted an application to DHS requesting MA benefits, including retroactive MA benefits from 10/2012.
3. On 1/8/13, DHS denied the application from 5/2012 by determining that Claimant was not a disabled individual.
4. DHS did not process Claimant's application dated 11/21/12.
5. On 4/3/13, Claimant's AHR requested a hearing to dispute the failure by DHS to process Claimant's application.

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).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, a three-way (i.e. appearance by telephone) was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

The present case concerns a failure by DHS to process an MA application dated 11/21/12. DHS contended that the 11/21/12 application did not need to be processed because Claimant had a pending application for MA benefits from 5/2012.

An application or filing form, with the minimum information, must be registered on Bridges unless the client is already active for that program(s). BAM 110 (11/2012), p. 6. In the present case, Claimant was not an active MA benefit recipient at the time the application dated 11/21/12 was submitted. Thus, DHS policy appears to contradict the DHS contention that the 11/21/12 did not have to be processed.

DHS presented testimony that Bridges (the DHS database) does not allow the registration of multiple applications. Administrative decisions are based on DHS regulations. Thus, what Bridges is programmed to do is not relevant to determining whether DHS violated their regulations.

Some consideration was given to the realization that it appears superfluous to register multiple applications for the same programs. Claimant's AHR smartly noted that a lack of eligibility from one date does not necessarily establish a lack of eligibility from a future date. In the present case, it is plausible that Claimant's health deteriorated after the first application was filed to the point where she was disabled when the second application was filed.

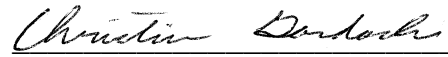
It was not disputed that the failure by DHS to process Claimant's application dated 11/21/12 resulted in a failure by DHS to request proof of disability from Claimant and/or the AR. It was also not disputed that the failure to process the application resulted in no written notice of denial to Claimant's AR. Based on the presented evidence, it is found that DHS erred in not registering or processing Claimant's MA benefit application dated 11/21/12.

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:

- (1) register Claimant's MA benefit application dated 11/21/12, including retroactive benefits from 10/2012;
- (2) initiate processing of Claimant's MA eligibility subject to the finding that DHS failed to process Claimant's application within the standard of promptness; and
- (3) initiate a supplement of any benefits improperly not issued.

The actions taken by DHS are REVERSED.



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

Date Signed: 7/31/2013

Date Mailed: 7/31/2013

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 affect the substantial rights of the claimant,
 - 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: 

