

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

IN THE MATTER OF:



Reg. No.: 2013-59285
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: September 3, 2013
County: Wayne DHS (49)

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 September 3, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether Claimant submitted an application requesting Medical Assistance (MA) benefits to DHS and whether DHS properly did not process the allegedly submitted 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 [REDACTED]/13, Claimant applied for MA benefits.
2. As of [REDACTED]/13, Claimant was homeless.
3. An unspecified DHS representative advised Claimant to return in 30 days to pick up his benefit card.
4. When Claimant returned in approximately 30 days, DHS advised Claimant that his application was not processed and that he would need to go to another DHS office to reapply.

5. On [REDACTED]/13, Claimant requested a hearing to dispute the failure by DHS to process Claimant's application from [REDACTED]/13.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

Claimant requested a hearing to dispute a DHS failure to process an application requesting MA benefits. 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 (7/2013), p. 7. DHS responded that Claimant's application was not registered because the application was not submitted. Thus, it must be determined whether Claimant submitted an application to DHS.

Claimant wrote in his hearing request that he submitted an application to DHS on [REDACTED]/13 at an office on Jefferson. Claimant provided information of how he came to apply for MA benefits on [REDACTED]/13. Claimant also testified that he was told by DHS staff to return in 30 days to collect a benefit card. Claimant testified that when he returned 30 days later, he was told that the application was not received and that he would need to reapply at a DHS office that covers Claimant's homeless shelter address.

Claimant's testimony was persuasive in its detail and its consistency with dates. For example, it was not disputed that Claimant reapplied for MA benefits on [REDACTED]/13. The date of [REDACTED]/13 would be very consistent with someone who applied on [REDACTED]/13 and was told to return in 30 days before being told to reapply.

Claimant's specialist testified that she previously spoke with Claimant and Claimant made statements that implied that he applied for unspecified benefits at an unspecified agency rather than applying for MA benefits at a DHS office. The DHS testimony was intriguing but not sufficiently detailed to make it probable that Claimant did not submit an application to DHS on [REDACTED]/13.

Also problematic for DHS was that a lack of efforts in contacting the DHS office where Claimant allegedly applied. Instead, DHS presented testimony that Claimant should have gone to the office where he allegedly submitted the application and made more efforts in communicating with management. DHS would have been better served by presenting evidence from staff at the office that allegedly received Claimant's application rather than faulting Claimant.

Based on the presented evidence, it is more likely than not that Claimant submitted an application to DHS requesting MA benefits on [REDACTED]/13. Accordingly, the DHS failure to register and process Claimant's application was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's application for MA benefits. It is ordered that DHS:

- (1) register Claimant's application for MA benefits subject to the finding that Claimant submitted an MA benefit application on [REDACTED]/13; and
- (2) initiate processing of Claimant's application requesting MA benefits.

The actions taken by DHS are REVERSED.



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

Date Signed: 9/25/2013

Date Mailed: 9/25/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

