

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421553
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: March 24, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's August 8, 2013 application for Medical Assistance (MA)?

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 August 8, 2013, Claimant's AHR, acting as Claimant's authorized representative, submitted an MA application on Claimant's behalf with a request for retroactive coverage to July 2013.
2. On November 6, 2013, the Department sent Claimant a Notice of Case Action denying her application.
3. On December 23, 2013, Claimant's AHR filed a request for hearing requesting that the Department process Claimant's August 8, 2013 MA application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

At the hearing, the Department testified that it denied Claimant's eligibility for MA in a November 6, 2013 Notice of Case Action. Evidence was presented at the hearing concerning whether the Department properly considered Claimant's child status as a "dependent child" for purposes of determining Claimant's eligibility for FIP-related MA. BEM 105 (July 2013), pp. 1, 3. However, the AHR contended that it did not receive a Notice of Case Action from the Department denying Claimant's application. While the Department sent Claimant the November 6, 2013 Notice of Case denying her August 8, 2013 MA application, it acknowledged that it did not send a copy of the Notice to the AHR at the same time. While the Department testified that it faxed a copy of the November 6, 2013 Notice of Case Action to the AHR on February 20, 2014, well after the AHR's December 23, 2013 request for hearing, the AHR denied receiving the February 20, 2014 faxed Notice of Case Action. The Department did not present any evidence establishing that a fax was sent. The AHR also denied receiving the January 9, 2014 hearing summary and packet which contained a copy of the Notice of Case Action.

The authorized representative assumes all the responsibilities of a client. BAM 110 (July 2013), p. 9. Accordingly, the Department should send all correspondence concerning the client's case to the authorized representative. Because the Department has failed to establish that it notified the AHR of its denial of Claimant's MA application, the Department did not act in accordance with Department policy when it processed Claimant's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Claimant's August 8, 2013, MA application with retroactive coverage to July 2013;
2. Provide Claimant with MA coverage she is eligible to receive, if any, from July 1, 2013, ongoing; and
3. Notify Claimant and the AHR in writing of its decision.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 8, 2014

Date Mailed: April 8, 2014

NOTICE OF APPEAL: 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.

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).

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:

2014-21553/ACE

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

ACE/tlf

cc:

