

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-000638
Issue No.: 2004
Case No.: ██████████
Hearing Date: May 5, 2014
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 May 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included ██████████ Claimant's Authorized Hearing Representative (AHR). The hearing was scheduled to begin at 2:30 p.m. Several unsuccessful attempts were made to reach the Department. At approximately, 3:09 p.m., the hearing began without Department participation. By the conclusion of the hearing, the Department had not contacted the hearing office.

ISSUE

Did the Department properly process Claimant's 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 April 12, 2012, Claimant filed an application for MA benefits which included a request for retroactive coverage beginning January 2012.
2. On July 11, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting that he provide a social security card with a due date of July 22, 2013.
3. Claimant requested an extension and on July 31, 2013, the required proof was submitted to the Department.

4. On March 25, 2014, Claimant's AHR requested a hearing to prompt the Department to process Claimant's April 12, 2012 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.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The standard of promptness begins the date the Department receives an application/filing form, with minimum required information. BAM 115 (July 2013), p. 15. The Department is to certify program approval or denial of the application within 45 days and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 13-25; BAM 220 (July 2013), pp. 1, 19-20.

In this case, Claimant submitted an application for MA benefits on April 12, 2012, which included a request for retroactive coverage beginning January 2012. Claimant's AHR testified that all requested documents were submitted to the Department on July 31, 2013. Further, Claimant's AHR stated that since July 31, 2013 neither he nor the Claimant has received any correspondence from the Department showing that the April 12, 2012 application had been processed. The Department failed to appear for the hearing and therefore did not provide any evidence that Claimant's application was processed in accordance with Department policy.

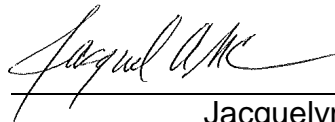
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process Claimant's April 12, 2012 application within 45 days.

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 April 12, 2012 retroactive MA application seeking coverage as of January 2012;
2. Issue supplements to Claimant for any MA coverage that he was entitled to receive but did not as of January 1, 2012, ongoing; and
3. Notify Claimant of its decision in writing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/13/2014**

Date Mailed: **5/13/2014**

JAM/cl

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