

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-25705
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 23, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 23, 2014, 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 Medical Assistance (MA) application for the reason that Claimant did not submit an 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], Claimant's AHR submitted an Assistance Application (Exhibits 2-22) to DHS.
2. DHS failed to process Claimant's MA application.
3. On [REDACTED] Claimant's AHR requested a hearing to dispute the failure by DHS to process Claimant's MA application.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to compel DHS to process Claimant's MA application dated [REDACTED]. DHS contended that the application was not registered in Bridges (the DHS database), presumably because Claimant did not submit the application. 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 (1/2013), p. 6.

During the hearing, Claimant's AHR presented an Assistance Application (Exhibits A2-A22). The application was not dated by Claimant but noted an AHR receipt date of [REDACTED]. This evidence tended to establish that Claimant's AHR received Claimant's application on [REDACTED].

Claimant's AHR also presented a log (Exhibit A1) with Claimant's name and application information. The document displayed a DHS office date stamp of [REDACTED]. The log was compelling evidence that Claimant's application was submitted to DHS on [REDACTED].

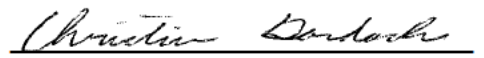
DHS presented no evidence tending to verify that Claimant failed to submit an application on [REDACTED]. It is found that Claimant's AHR submitted an Assistance Application to DHS on [REDACTED] for the purpose of requesting MA benefits. Accordingly, the DHS failure to register and process Claimant's 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 register and process Claimant's MA application dated [REDACTED]. It is ordered that DHS perform the following actions:

- (1) register Claimant's MA application dated [REDACTED] requesting MA benefits; and
- (2) initiate processing of the registered application.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 5/6/2014

Date Mailed: 5/6/2014

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:

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

CG/hw

cc:

