

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

**IN THE MATTER OF:**

██████████  
██████████

Reg. No.: 14-008766  
Issue No.: 2004  
Case No.: ██████████  
Hearing Date: September 10, 2014  
County: Wayne (35)

**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 September 10, 2014, from Redford, Michigan. Participants included the above-named Claimant. ██████████, Claimant's daughter, testified on behalf of Claimant. ██████████ testified and appeared as Claimant's authorized hearing representative (AHR). ██████████, Hearings Facilitator, testified on behalf of the Department of Human Services (DHS).

**ISSUE**

The issue is whether DHS timely and fully processed Claimant's application for MA benefits.

**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 ██████████, Claimant applied for MA benefits, including retroactive MA benefits from 11/2011.
2. On ██████████, Claimant's AHR requested a hearing to dispute the DHS failure to process Claimant's MA application
3. As of the date of hearing, DHS has not processed Claimant's 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's AHR requested a hearing to compel DHS to process Claimant's MA application. It was not disputed that DHS had not fully processed Claimant's application by the date of hearing.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications when disability is an eligibility factor is 90 days. BAM 115 (12/2011), p. 13.

DHS presented testimony that on the day before hearing, Claimant was approved for Medicaid benefits for 11/2011. DHS alleged that other benefit months did not have to be processed because Claimant's AHR agreed to such an arrangement.

Upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (1/2011), p. 1. The notice of case action is printed and mailed centrally from the consolidated print center. *Id.*

Even if the DHS allegation was based on first-hand knowledge and accepted as credible, DHS must give written notice of eligibility decisions. DHS could not present a notice of case action to verify that proper notice was given. This decision will go one step further.

Technically, an AHR could consent to a partial processing of an application. The DHS allegation that Claimant's AHR consented to a partial processing of Claimant's application was based on a hearsay statement made to a specialist who did not testify during the hearing. If DHS failed to process an application based on the statement of an AHR, DHS best obtain that statement in writing from the AHR. Alternatively, DHS could have presented the testimony of the specialist who heard the alleged statement. DHS did neither.

It is found that Claimant's AHR did not agree to a partial processing of Claimant's MA application. Accordingly, DHS is ordered to process Claimant's application in its entirety.

#### **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. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's MA application dated [REDACTED], including requested retroactive MA benefits;
- (2) initiate processing of Claimant's application subject to the findings:
  - a. Claimant's AHR did not consent to a partial processing of the application;
  - b. DHS failed to give proper written notice of any denial; and
  - c. DHS must process the application within their standards of promptness.

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



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

Date Signed: **10/7/2014**

Date Mailed: **10/7/2014**

CG / hw

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

