

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015332
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: January 21, 2015
County: Wayne (19)

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 January 21, 2015, from Inkster, Michigan. Participants included the above-named Claimant. [REDACTED]

[REDACTED] testified and appeared as Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Hearings Facilitator.

ISSUE

The issue is whether DHS failed to process Claimant's Medical Assistance (MA) application dated [REDACTED].

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 applied for Medical Assistance (MA) benefits.
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

Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. 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).

Prior to a substantive analysis of Claimant's AHR's hearing request, it should be noted that the request noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

Claimant's AHR requested a hearing to dispute an alleged failure by DHS to process Claimant's MA application. The DHS Hearing Summary provided little in the way of a useful response.

The DHS Hearing Summary stated that Claimant applied for MA benefits on [REDACTED]. The DHS Hearing Summary further stated that written notice of denial was mailed to Claimant on [REDACTED]. Based on Claimant's [REDACTED] hearing request date, DHS contended that Claimant failed to timely request a hearing because Claimant did not submit a hearing request within 90 days from the date of written notice (see BAM 600). The DHS contention would be taken seriously if Claimant disputed the denial of an application denied by DHS on [REDACTED]. As it happened, Claimant specifically requested a hearing to dispute a failure by DHS to process an application dated [REDACTED].

Consideration was briefly given to the idea that the Hearing Summary was off-point because Claimant never applied for MA benefits on [REDACTED]. Claimant's AHR presented the application (Exhibits A5-A23), Claimant's authorization to be represented (Exhibits A3-A4) dated [REDACTED], and an Official Field Receipt (Exhibit A1). The AHR uses the Official Field Receipt as a cover sheet for DHS application submissions. The presented form listed that Claimant submitted an application and other documents to DHS on [REDACTED]. The document included a DHS office date stamp of 1 [REDACTED]. It is found that Claimant submitted an Assistance Application to DHS on [REDACTED].

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 (1/2013), p. 13.

As of the date of hearing, over one year had passed since Claimant applied for MA benefits. DHS failed to present any evidence that Claimant's application dated [REDACTED] was processed. DHS failed to present any valid reason for failing to process Claimant's MA benefit application. It is found that DHS failed to comply with their standard of promptness.

It naturally follows that if DHS did not process Claimant's MA application, then DHS also did not issue a written notice to Claimant or her AHR. When DHS fails to issue a written notice, a hearing request cannot be untimely. Thus, any argument that Claimant's hearing request was untimely is not persuasive.

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 perform the following actions:

- (1) register Claimant's MA application dated [REDACTED]; and
- (2) initiate processing of Claimant's application so that DHS may meet application processing standards of promptness.

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



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/29/2015**

Date Mailed: **1/29/2015**

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 48909-8139

CC:

