

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201424391
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: March 5, 2014
County: Wayne County DHS #82

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED] of [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's application for Medical Assistance (M.A.)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant's representative submitted an application on behalf of the Claimant to the Department on August 2, 2013.
2. The Department received the Claimant's request for a hearing on January 10, 2013, protesting the Department's failure to process the Claimant's Medical Assistance (M.A.) 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.

On August 2, 2013, the Department received an application for Medical Assistance (M.A.) from L & S Associates, Inc., as the representative of the Claimant.

On January 10, 2013, the Department received a request for a hearing, protesting the Department's failure to process the August 2, 2013, application for Medical Assistance (M.A.).

An Administrative Hearing was scheduled and a notice of hearing was sent to the Claimant, her representative, and the Department on February 20, 2014. This notice of hearing was received by a representative of the Department. This Administrative Law Judge finds that the Department received timely and adequate notice of the hearing and had a duty to ensure witnesses with personal knowledge of the case were available during the hearing.

The hearing was scheduled for March 5, 2014. No requests to adjourn this hearing were received. On March 5, 2014, there were no representatives of the Department that were prepared to present evidence on behalf of the Department.

The Department has a duty to present evidence to establish that it properly applied its policies to the Claimant's circumstances. This Administrative Law Judge finds that the Department failed to establish that it properly processed the Claimant's application for Medical Assistance (M.A.).

The Department failed to establish that the Claimant withdrew consent for her representative to pursue benefits on her behalf. The Department failed to present evidence or testimony to establish its authority for failing to process an application submitted by the Claimant's representative.

This Administrative Law Judge finds that the Department failed to establish that it processed the Claimant's August 2, 2013, application for Medical Assistance (M.A.) in accordance with policy.

Therefore, the Department's eligibility determination is reversed.

DECISION AND ORDER


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to process the August 2, 2013, application for Medical Assistance (M.A.).

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. Process the Claimant's August 2, 2013, application for Medical Assistance (M.A.) in accordance with policy.

Kevin


Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 7, 2014

Date Mailed: March 7, 2014

NOTICE OF APP EAL: 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

201424391/KS

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

KS/hj

cc:

