

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2014 28362
Issue No(s): 2004, 2001
Case No.: ██████████
Hearing Date: April 3, 2014
County: Wayne County DHS 15
Oakland County DHS 03

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 three way telephone hearing was held on April 3, 2014 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, (AHR) ██████████. The Claimant did not appear. **No Participants on behalf of the Department of Human Services (Department) appeared from either the Walled Lake District office or the Greydale District Office.**

ISSUE

Did the Department fail to process the September 27, 2013 application for Medical Assistance ("MA-P")?

FINDINGS OF FACT

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

1. The Claimant's AHR requested a hearing on January 22, 2014 requesting that a September 27, 2013 application for medical assistance be processed. As part of the hearing request, ██████ attached a fax verification that the application was mailed to the Walled Lake District office by letter dated 9/25/13.
2. At the hearing, the Department did not appear even though contacted by email regarding the hearing by the MAHS Detroit Office.

3. The hearing summary dated February 18, 2014 was prepared by the Department's Walled Lake office. The Hearing Summary does not answer the question as to whether the application was processed but indicates that application would have been transferred to Wayne County Greydale District Office as the Claimant had an open case in Wayne County at that time.
4. On January 22, 2014, the Claimant's AHR requested a hearing, requesting that the Department process the September 27, 2013 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, the issue in this case involves whether the Department failed to process an application for MA-P submitted on September 27, 2013. The Department presented no evidence that the application was processed. The application was filed initially with the Walled Lake Office. That office did not process the application. It does not appear that the Greydale District Office processed the application.

The individual who prepared the hearing summary was not present at the hearing. It is also noted that there have been two offices involved with this case file.

Based upon the evidence presented and the testimony of the parties, it is determined that the Department did not process the September 27, 2013 application and retro application if applicable, and has not processed the application as of the date of the hearing.

Therefore, evidence has established that an application was filed on September 27, 2013 and was never processed. Based upon the evidence presented it is determined that the Department must process the application and any retro application as proof of its filing was established as was proof of mailing of the application on September 25, 2013. BAM 110, Response to Applications. BAM 115, pp. 1 (7/1/13).

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 the September 27, 2013 Application for MA-P and any Retro application.

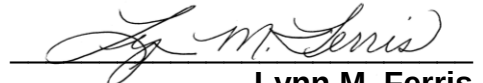
DECISION AND ORDER

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. The Department shall register and process the September 27, 2013 application and any retro application and determine eligibility.
2. The Department shall advise the Claimant's AHR, L&S Associates, of its determination regarding eligibility and provide it copies of all verification checklist and notices of case actions issued as part of its determination, and provide the AHR with all written correspondence with regards any other communications.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 7, 2014

Date Mailed: April 7, 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

LMF/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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