

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004657
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: May 6, 2015
County: Macomb (20)

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, a telephone hearing was held on [REDACTED], from Detroit, Michigan. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Health and Human Services (DHHS) included [REDACTED], medical contact worker.

ISSUE

The issue is whether DHHS properly denied Claimant's Medical Assistance (MA) application after failing to provide notices to the application's authorized representative (AR).

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 MA benefits, including retroactive MA benefits from December 2013.
2. Claimant's application listed an authorized representative (AR) (who is also Claimant's AHR).
3. On an unspecified date, DHHS denied Claimant's MA benefit application for unspecified reasons.
4. DHHS failed to send a notice of the application denial to Claimant's AR/AHR.

5. On March 2015, Claimant's AR/AHR requested a hearing to dispute the failure by DHHS to process Claimant's MA benefit 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 dispute the DHHS failure to process Claimant's MA application dated [REDACTED]. The DHHS Hearing Summary contended that Claimant's AHR's hearing request should be dismissed due to untimeliness.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (1/2015), p. 6. The request must be received in the local office within the 90 days. *Id.*

For good reason, DHHS did not pursue their Hearing Summary argument during the hearing. DHHS conceded that Claimant's hearing request was timely because written notice was never provided to Claimant's application AR.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). BAM 110 (January 2014), p. 8. The AR assumes all the responsibilities of a client; see BAM 105. *Id.*, p. 8. One such responsibility is to cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (1/2014), p. 7. This includes completion of necessary forms. *Id.*

A DHHS-1150 (Application Eligibility Notice) or DHHS-1605 (Notice of Case Action) is used to notify a client of an application approval or denial. BAM 220 (January 2014), p. 19. Noticeably absent is language mandating that a client's AR also receive notice of an application approval or denial. The failure to expressly state that an AR is to receive notice of an application disposition does not mean that DHHS is not mandated to send such notices.

An application AR cannot assume responsibilities of a client unless DHHS apprises the AR of the application processing requirements and outcome. Thus, a requirement to mail a written notice of the application's outcome to the application AR is appropriately inferred.

The requirement to mail an application AR notice of an application outcome affects the analysis concerning the hearing request's timeliness and whether the application was fully processed. Based on the DHHS failure to mail Claimant's AR notice of the application disposition, it is found that Claimant's AR's hearing request was timely and that DHHS failed to fully process Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS improperly processed Claimant's application for MA benefits. It is ordered that DHHS perform the following actions:

- (1) reregister Claimant's MA application dated [REDACTED], including Claimant's request for retroactive MA benefits from December 2013; and
- (2) initiate processing of Claimant's application.

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



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

Date Signed: **5/11/2015**

Date Mailed: **5/11/2015**

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

