

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004912
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: May 11, 2015
County: Wayne (15)

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 May 11, 2015, from Detroit, Michigan. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR).

The Michigan Administrative Hearing System made two telephone calls to the Department of Health and Human Services in an attempt to engage DHHS hearing participation. Neither call was successful. The hearing began approximately 43 minutes following the scheduled hearing time and without DHHS representation.

ISSUE

The issue is whether DHHS properly processed Claimant's application for Medical Assistance (MA).

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] DHHS received Claimant's application for MA benefits, which included a request for retroactive MA benefits from November 2013.
2. Claimant's application listed an authorized representative (AR) (who is also Claimant's AHR).
3. Claimant's AR/AHR did not receive notice of Claimant's application's processing.

4. On [REDACTED], 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 referenced a Claimant application from January 2013, but not one from January 2014. By not referencing an application from January 2014, it is inferred that the DHHS defense to Claimant's AHR's allegation is that DHHS did not receive Claimant's MA application from January 2014.

Claimant's AHR testified that her agency verifies application submissions by copying the front page of the application following a date stamp by the local DHHS office. Claimant's AHR also testified that she possessed a copy of Claimant's application and it had a DHHS office date stamp of January 15, 2014. Claimant's AHR's testimony was credible and unrebutted. It is found that DHHS received Claimant's MA application on January 15, 2014.

Claimant's AHR further alleged that DHHS never processed Claimant's application. The testimony was based on DHHS' failure to send the AR notice of the application's disposition.

DHHS 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 (January 2013), p. 13. The timeframe when disability is not a factor is 45 days. *Id.*

It is not known if Claimant's MA eligibility was or was not based on a claim of disability. Either way, DHHS failed to comply with application processing standards of promptness. Accordingly, DHHS will be ordered to register and process Claimant's application for MA benefits dated [REDACTED].

DECISION AND ORDER

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

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

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

Christian Gardocki

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

Date Signed: **5/13/2015**

Date Mailed: **5/13/2015**

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:

