

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2010-36125
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 1, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held on Thursday, July 1, 2010. The Claimant did not appear however the Claimant's authorized representative, [REDACTED] of [REDACTED], [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") application?

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 submitted an application for public assistance seeking MA based on disability on August 24, 2009. (Exhibit 1)
2. The application was not registered and/or processed.
3. On or about December 30, 2009, the Department received the Claimant's timely written request for hearing.
4. During the hearing, the Department agreed to register and process the August 24, 2009 application.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

In this case, the Claimant submitted an application for MA-P benefits on August 24, 2009. The case was never registered and/or processed therefore a notice of case disposition was never sent to the Claimant/Representative. During the hearing, the Department agreed to register and process the August 2009 application in accordance with department policy. In light of the accord, there is no further issue to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's failure to process is not upheld.

Accordingly, it is ORDERED:

1. The Department's failure to process is not upheld.
2. The Department shall register and process the Claimant's August 2009 MA-P application, as agreed, in accordance with department policy.
3. The Department shall notify the Claimant and Representative in writing of the determination.
4. The Department shall supplement for any lost benefits that the Claimant was entitled to receive (if any) if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/06/2010

Date Mailed: 07/06/2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CMM/jlg

cc:

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