

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-41905
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
Macomb County DHS (20)

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 in Warren, Michigan, on Thursday, November 4, 2010. The Claimant did not appear however his Authorized Representative, [REDACTED] of [REDACTED] [REDACTED] appeared on his behalf. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance ("MA") application for the month of July 2008?

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/Representative submitted an application for public assistance seeking MA benefits on October 30, 2008.
2. The Claimant has minor children in the home.
3. The Claimant/Representative did not receive notification regarding the disposition of the application thus requested a hearing on March 18, 2010.
4. The Department activated coverage for June and August 2008 but not for July 2008.

5. During the hearing, the Department agreed to determine eligibility for the month of July 2008.

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. Department 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/Representative did not receive notification regarding the disposition of the October 2008 application which sought retroactive MA benefits for July 2008. As a result, the Claimant/Representative requested a hearing. The Department activated coverage for the months of June and August 2008 but did not determine eligibility for July 2008. During the hearing, the Department agreed to process the application and determine eligibility for the month of July 2008. In light of the accord, there is no additional issue that needs 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 actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is not upheld.
2. The Department shall re-open and process the Claimant's October 30, 2008 application in to determine if all other non-medical criteria are met for the month of July 2008.
3. The Department shall notify the Claimant and his Authorized Representative of the determination in accordance with department policy.

- 4. The Department shall supplement for any lost benefits that the Claimant was entitled to receive 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: 11/09/2010

Date Mailed: 11/09/2010

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:

