

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2010-4856
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 20, 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 request for hearing received by the Department on June 30, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, May 20, 2010. The Claimant's authorized hearing representative, [REDACTED] of [REDACTED], appeared and testified. [REDACTED] observed the proceedings. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with Department policy when it denied the Claimant's October 2008 Medical Assistance ("MA") application based on excess assets?

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 submitted an application for public assistance seeking MA benefits.

2. On December 3, 2008, the Department sent the Claimant a Verification Checklist requesting the documentation be returned by December 17, 2008.
3. On December 17, 2008, the application was denied due to excess assets.
4. The authorized representative (“AR”) denied receipt of the Eligibility Notification.
5. On June 30, 2009, the Department received the Claimant/AR’s request for hearing.
6. During the hearing, the Department agreed to re-open and reprocess the Claimant’s October 2008 application in accordance with department policy.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903 Any hearing request which protests a denial, reduction, or termination of benefits must be in writing and signed by the Claimant, petitioner, or an authorized representative. MAC R 400.904(1) The client has 90 calendar days from the date of the written notice of case action to request a hearing. MAC R 400.901-.904; BAM 600 The request must be received anywhere in DSH within the 90 days. *Id.*

In this case, the AR denied receipt of case disposition. The Department was unable to prove otherwise. In light of the foregoing, the Request for Hearing is timely.

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 the record presented, the Department agreed to re-open and reprocess the Claimant’s October 2008 application seeking retroactive MA from 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 Request for Hearing timely. It is further found that the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Request for Hearing is timely.
2. The Department shall, as agreed, reopen and reprocess the Claimant’s October 2008 application in accordance with department policy.
3. The Department shall notify the Claimant and the AR of the determination in accordance with department policy.
4. The Department shall supplement for lost benefits (if any) 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: 5/28/2010

Date Mailed: 5/28/2010

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 receipt 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:

