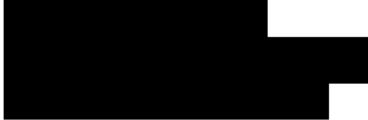


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010-54741
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 13, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 telephone hearing was held on December 13, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly deny the claimant's application for retroactive Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On May 28, 2010, the claimant applied for retroactive MA.
2. On June 11, 2010, the department sent the claimant a verification checklist requesting various pieces of information.
3. On June 22, 2010, the department sent the claimant a notice that her application was denied.
4. On June 24, 2010, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR).

201054741/MJB

The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program 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 Program Reference Manual (PRM).

In the instant case, the claimant testified that she had sent the appealed the denial of SSI disability within the time period allotted.

Request an SSI Hearing

An SSI hearing **must** be requested within 60 days of the SSI application denial date You must: (BEM271, p.6).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The department agreed to reregister and process the claimant's May 28, 2010, retroactive MA application if the claimant provides the department with documentation that her bank sent the requested documentation by facsimile prior to the department's deadline.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department and claimant have come to an agreement and ORDERS the department to reregister and process the claimant's May 28, 2010, retroactive MA application if the claimant provides the department with documentation that her bank sent the requested documentation by facsimile prior to the department's deadline.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/20/2011

Date Mailed: 1/20/2011

201054741/MJB

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.

MJB/jlg

cc:

A large black rectangular redaction box covers the names of the recipients in the cc field. The redaction is composed of several overlapping black shapes that completely obscure the text underneath.