

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.: 201043738
Issue No.: 2011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
Wayne County DHS (17)

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 October 21, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly figure his/her Medical Assistance (MA) deductible?

FINDINGS OF FACT

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

1. The department closed the claimant's MA spend down benefits because the claimant had not utilized the spend down for the last three months.
2. On April 8, 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). 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).

201043738/MJB

In the instant case, the claimant testified that she attempted to reapply for MA on January 21, 2010, but the department told her that she had an active case and did not need to reapply. The department produced the sign in book and the claimant's name did not appear. Upon further review, the department states in its "Hearing Summary" that, "the client submitted on January 21, 2010, medical bills...."

The undersigned finds the claimant's testimony that she attempted to reapply on January 21, 2010, to be credible.

Response to Requests

All Programs

For a **request in person**, the local office must do all of the following:

Give the requester an application the **same day**.

Explain the right to file the application (or DHS-1171 Filing Form, with the minimum information) **that day** and encourage the client to do so.

Explain that the application date might affect the amount of benefits.

Give the client a [Publication 859](#), Domestic Violence Informational Brochure.

Encourage the person to complete the entire application that day. Persons who cannot complete the entire application should complete the DHS-1171 Filing Form to protect their application date. [BAM 105](#) lists the minimum information to file an application. (BAM 110, pp1-2)

In the instant case the department failed to follow the above policy.

DECISION AND ORDER

The Administrative Law Judge based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reconstruct the application the claimant attempted to file on January 21, 2010, and register and process the same.



Michael J. Bennane
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.

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