

**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.: 2011-11630
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 10, 2011
DHS County: Macomb (50-20)

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, March 11, 2011. The Claimant did not appear; however, his Authorized Representative, [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department"). [REDACTED] observed the proceedings.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") 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/Representative submitted an application for public assistance seeking MA-P benefits on July 15, 2009.
2. In February 2010, the Department agreed to re-register and process the July 15, 2009, application.
3. On October 20, 2010, the Claimant/Representative requested a hearing based on the Department's failure to process the application.

4. During the hearing, the Department agreed to activate coverage for the July 15, 2009, application to include retroactive coverage for June 2009.

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, 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”).

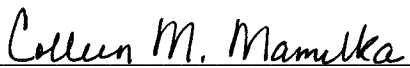
In this case, the Department agreed to activate coverage for the July 15, 2009, application to include retroactive coverage for June 2009. In light of the accord, there is no additional issue that needs to be addressed.

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, as agreed, activate coverage for the July 15, 2009 application to include retroactive coverage for June 2009.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 22, 2011

2011-11630/CMM

Date Mailed: March 24, 2011

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/pf

cc:

