

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:

[REDACTED]

Reg. No.: 2011-2604
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 3, 2011
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 January 3, 2011. The claimant personally appeared and testified and was represented by his attorney [REDACTED] ([REDACTED]).

ISSUE

Whether the Department was correct in denying the claimant's application for MA.

FINDINGS OF FACT

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

1. On October 19, 2009, the claimant filed an application for MA.
2. On December 10, 2009, the department denied the claimant's MA application because it had been denied by the Medical Review Team (MRT).
3. On December 28, 2009, the claimant filed a request for a hearing. (Claimant's exhibit 4).

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

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400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the department denied the application because it contends that the hearing request was received beyond the ninety (90) day limit and is thus untimely.

The department denied the application because the MRT denied the claimant's disability.

Process requests signed by someone whose AHR status is questionable or unverified according to standard hearings procedures, including restoration of benefits, if appropriate. If SOAHR denies the request, reimplement the disputed case action and recoup the restored benefits; see Recouping Program Benefits in this item. (BAM 600, p.3.)

In the instant case, the department relies on BAM 600 in arguing that the hearing request was untimely.

However, evidence presented at the hearing shows that the department received the hearing request on December 28, 2009, just 18 days after the denial of the claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the department to reregister the claimant's October 19, 2009, MA application.



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

Date Signed: 2/7/2011

Date Mailed: 2/7/2011

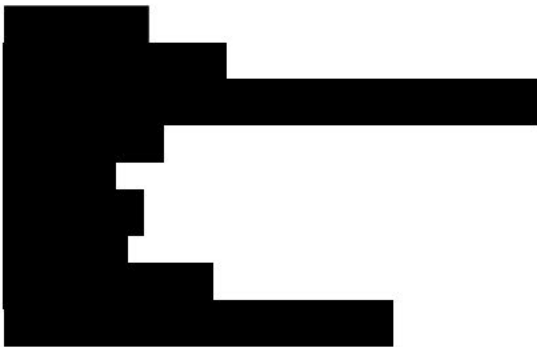
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration 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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