

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.: 20113388
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 20, 2011
Wayne County DHS (49)

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 20, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly process the claimant's Medical Assistance (MA) application?

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 September 13, 2010, the claimant submitted an application for MA.
2. On October 5, 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).

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.

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.

For a **request by letter or telephone**, mail the application by the end of the **next workday**. If the application is **not** returned, the requester must be contacted according to local office procedures.

Applicants must be informed of their option to obtain a DHS-1171, Assistance Application, which includes a filing form, at the following web site: www.michigan.gov/dhs-forms.

Your office may register requests for assistance on Bridges; see the [REQUESTS](#) section in this item. The applicant may withdraw their request for assistance at any time. (BAM 110, pp.1-2)

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 return to September 13, 2010, and begin his MA from that date.

DECISION AND ORDER

20113388/MJB

The Administrative Law Judge, based on 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 return to September 13, 2010, and begin his MA from that date.



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

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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.

MJB/jlg

cc:

