

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg No.: 2011-32442
2012-60092
Issue No.: 2000, 2012
Case No.: [REDACTED]
Hearing Date: August 22, 2012
Macomb County DHS (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 Wednesday, August 22, 2012. The Claimant did not appear; however, her Authorized Hearing Representative ("AHR"), [REDACTED] of [REDACTED], appeared on her behalf. Participating on behalf of the Department of Human Services ("Department") was [REDACTED] and [REDACTED] [REDACTED] (via telephone from Macomb 36).

ISSUE

Whether the Department properly processed the Claimant's April 30, 2010 application for Medical Assistance ("MA") benefits retroactive to January 2010?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA benefits retroactive to January 2010, on April 30, 2010 at the Macomb County DHS (12).
2. The application was not processed at Macomb 12 and was instead transferred and received at Macomb 36 on October 27, 2010.
3. The Medical Review Team found the Claimant not disabled based on a May 2010 application.

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4. On November 16, 2010, the Department notified the Claimant of the MRT determination. (Exhibit 1)
5. On February 7, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

As a preliminary matter, during the hearing, the AHR agreed to withdrawal the hearing assigned to registration number 2012-60092. A signed withdrawal was received. Accordingly, there was no issue to address with respect to that hearing request. Accordingly, this decision is in reference to registration number 2011-32442 only.

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 of Human Services, formally 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 Tables ("RFT").

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2)

In this case, the Department (Macomb 36) agreed to register and process the April 30, 2010 application retroactive to January 2010. All parties were amenable to this resolution. In light of the foregoing, there is no other issue that needs to be adjudicated.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the parties have reached an agreement.

Accordingly, it is ORDERED:

1. The Department (Macomb 36) shall, as agreed, register and initiate processing of the Claimant's April 30, 2010 MA-P application, retroactive to January 2010, in accordance with department policy.
2. The Department shall notify the Claimant and her Authorized Hearing Representative of the determination in accordance with department policy.

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3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified based on the April 30, 2010 application.

Colleen M. Mamelka

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

Date Signed: September 7, 2012

Date Mailed: September 7, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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CMM/cl

cc: [REDACTED]
Macomb County DHS (36)/DHS-1843
Macomb County DHS (20)

C. [REDACTED]
Mamelka