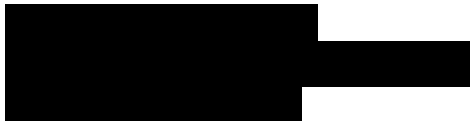


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-40911
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: August 10, 2011
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice, an in-person hearing was held in Detroit, Michigan on August 10, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's Medical Assistance (MA), and retroactive MA applications?

FINDINGS OF FACT

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

1. On February 11, 2011, the claimant filed an application for MA based in disability.
2. On April 15, 2011, the Department denied the claimant's MA application for lack of verification.
3. On May 12, 2011, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 Bridges Reference Manual (BRM).

At the hearing the Department verified what was written in its hearing summary. The Department stated that it had not provided the claimant with all of the proper forms to be completed and returned.

Obtaining Verification

All TOA

Tell the client what verification is required, how to obtain it, and the due date; (BAM 130, p. 2).

This Administrative Law Judge finds that the Department erred when it denied the claimant's MA 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 and process the claimant's February 11, 2011 MA application.



Michael
Administrative
for
Department

J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 17, 2011

Date Mailed: August 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/cl

cc:

