

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46310
Issue No.: 2027
Case No.: [REDACTED]
Hearing Date: October 13, 2011
DHS County: Wayne (35)

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 a telephone hearing was held from Detroit, Michigan on October 13, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly process her Medical Assistance (MA), when the Department was notified in a timely fashion of the claimant's relocation to Ingham County?

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 April 21, 2011, the claimant filed an application for MA cost sharing.
2. On July 19, 2011, the Department denied the claimant's MA application.
3. On July 19, 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).

In the instant case, the claimant notified the Department in a timely manner of her move from Wayne to Ingham County. The Department seems to have transferred this case properly to Ingham County but this hearing took place back in Wayne County, for some reason that no one was adequately able to explain. Thankfully, this hearing took place as a three way hearing, with the claimant participating from her home in East Lansing and the Department from its office in Redford, MI.

Because of the inability of the Department to respond to questions concerning the claimant's MA application and case, possibly caused by the claimant's relocation and the Department's failure to allow this hearing to take place from the claimant's new departmental office, this Administrative Law Judge finds that the Department must reregister the claimant's April 21, 2011, MA application.

Hopefully, the Department will relocate this re-registration process to claimant's new DHS office in Ingham County. The claimant is encouraged to contact her office in Ingham County in order to help facilitate that taking place in Ingham County.

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 April 11, 2011, MA application and replace any appropriate benefits lost.



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

Date Signed: November 7, 2011

Date Mailed: November 7, 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.

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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MJB/cl

cc:

