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

#### IN THE MATTER OF:



Reg. No.: 2012-15429 Issue No.: 2007/3008

Case No.:

Hearing Date: February 2, 2012

County: Wayne (31)

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 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on F ebruary 2, 2012, from Detroi t, Michigan. Participant s on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included (ES).

## **ISSUE**

Did the Department prooperly calculate the claimant's bills for use again st her MA deductible and expenses for her FAP calculation?

### FINDINGS OF FACT

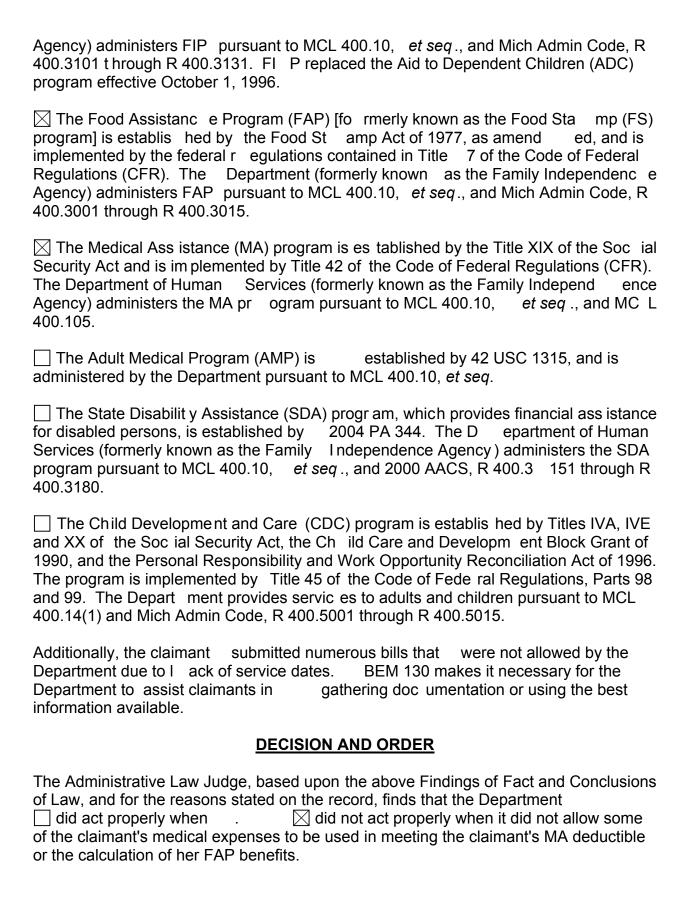
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 2, 2011, t he claimant submitted medical bills to be used against her MA deductible and to be included, where applicable, in calculating her FAP benefits.

# **CONCLUSIONS OF LAW**

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family	y Indep	endence	Program	(FIP) wa	s es	tablished purs	uant to the	Perso	onal
Responsibility	/ and W	ork Oppo	ortunity Re	econc ilia	ition	Act of 1996,	Public Law	104-1	93,
42 USC 601,	et seq.	. The De	partment	(formerly	/k ۱	nown as the F	amily Indep	ende	nce



Accordingly, the Department's ☐ AMP ☐ FIP ☐ FAP ☒ MA ☐ SDA ☐ CDC decision is ☐ AFFIRMED ☒ REVERSED for the reasons stated on the record.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Assist the claimant in verifying the dates of servic e for the bills that have been submitted and recalc ulating the claimant's eligibility fo r MA and the claimant's FAP benefits for the same period of time.

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

Date Signed: February 28, 2012

Date Mailed: February 28, 2012

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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

