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

#### IN THE MATTER OF:



Reg. No.: 2012-24228

Issue No.: 2011

Case No.:

Hearing Date: May 10, 2012 County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

## **HEARING DECISION**

This matter is before the undersigned Administ rative 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 May 10, 2012, from Detroit, Mich igan. Participants on behalf of Claimant included the claimant's Authorized Representative (AR). Participants on behalf of the Department of Human Services (Department) included

### <u>ISSUE</u>

Did the Department properly r egister and process the clai mant's June 13, 2008, MA application and retroactive application?

### FINDINGS OF FACT

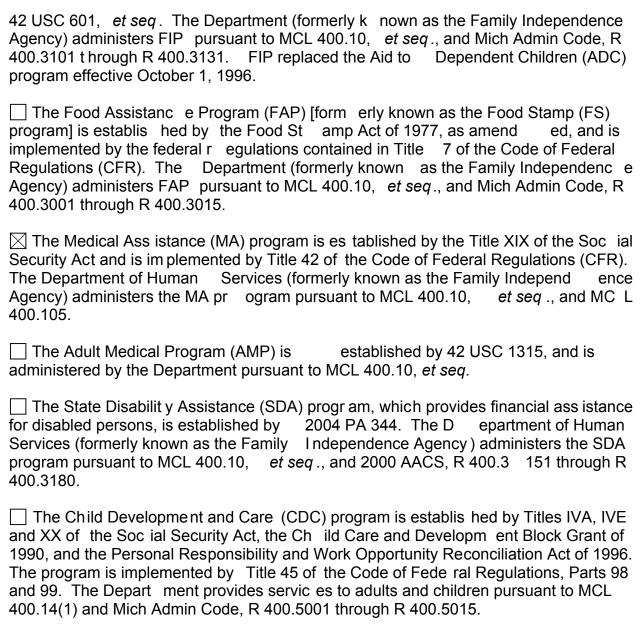
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On June 13, 2008, the claimant filed applications for MA and retroactive MA.
- On December 8, 2011, the claimant requested a hearing through her AR.

## **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 Independence Program (FIP) wa s established pur	suant to the Personal
Responsibility and W ork Opportunity Reconc iliation Act of 1996,	Public Law 104-193,



Additionally, the Department never processed the claimant's applications properly. The Department claims to have not received the retroactive application. Evidence presented at the hearing shows that bot h the MA application and the retroactive MA application were signed on the same date, March 12, 2008. The Department's time stamp appears on the MA applic ation as June 13, 2008. There is no time stamp on the retroactive application but the evidence is clear that they were signed by the claimant on the same date, March 12, 2008. This Administrative Law Judge finds that the evidence is such that it will be accepte d that both the MA and retroactive MA applications were filed on the same date.

## **RETRO MA APPLICATIONS**

# **MA Only**

Retro MA coverage is available back to the first day of the third calendar month prior to:

The current application for FIP and MA applicants and persons applying to be added to the group.

The most recent application (**not** redetermination) for FIP and MA recipients. (BAM 115, p.9)

In the instant case, the most recent applicat ion is June 13, 2008; t herefore, retroactive coverage would go back to March 1, 2008.

# **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when . did not act properly when it failed to properly register and process the claimant's MA and retroactive MA applications
Accordingly, the Department's $\square$ AMP $\square$ FIP $\square$ FAP $\boxtimes$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ 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. Reregister and proc ess the c laimant's J une 13, 2008, MA and retroactive MA applications.

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: May 29, 2012

Date Mailed: May 29, 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 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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

