

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-31773
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: April 30, 2012
Oakland County DHS (04)

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 Pontiac, Michigan on Monday, April 30, 2012. The Claimant did not appear; however, the Claimant's Authorized Hearing Representative, [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's June 7, 2011 application for Medical Assistance ("MA-P") retroactive to May 2011?

FINDINGS OF FACT

The Administrative Law Judge, based upon 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-P benefits, retroactive to May 2011, on June 7, 2011. (Exhibit 1)
2. The application was not registered or processed.
3. On January 23, 2012, the Department received the Claimant's written request for hearing protesting the failure to process the June 7th application.

CONCLUSIONS OF LAW

The Medical Assistance 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, formerly 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 regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Admin Code, Rules (“MAC R”) 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903. A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. MAC R 400.904(1). A claimant shall be provided 90 days from the negative action notice. MAC R 400.902 - .904; BAM 600.

In this case, the Claimant’s Authorized Hearing Representative (“AHR”) requested a hearing in January 2012 regarding the failure to process a June 7, 2011 application. During the hearing, the AHR submitted a date-stamped copy of a June 7, 2011 application with retroactive benefits to May 2011. The case worker denied receipt of the application and questioned the timeliness of the hearing request. As explained during the hearing, the 90-day period in which to file a hearing request begins when the Department makes a determination. Here, the application was never registered and processed thus, there was no case action in which to request a hearing. As noted above, an applicant has the right to request a hearing based on the failure to act. In light of the foregoing, the failure to register and process the June 7, 2011 application is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the failure to register and process the June 7, 2011 application is not upheld.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.
2. The Department shall initiate processing of the June 7, 2011 application, retroactive to May 2011, in accordance with department policy.

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3. The Department shall notify the Claimant, and her Authorized Hearing Representative, of the determination in accordance with department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

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

Date Signed: May 8, 2012

Date Mailed: May 8, 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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cc:

