STATE OF MICHIGAN

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

| IN THE MATTER OF: | |
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The

Reg No.: 2012-37855

Issue No.: 2009

Case No.:

Hearing Date: June 28, 2012 Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant 's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thur sday, June 28, 201 2. The Claimant appeared on his behalf.

appeared on behalf of the Department of Human Services ("Department").

<u>ISSUE</u>

Whether the Department properly proce ssed the Claimant's February 24, 2011 application for Medical Assistance ("MA") benefits retroactive to December 2010?

FINDINGS OF FACT

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

- 2. An incomplete application for public a ssistance seeking MA benefits retroactive to December 2010, was submitted on behalf of 2011.
- 3. On April 7, 2011, the Probate Court appointed a Special Personal Representative to act on behalf of for the purpose of securing MA benefits.

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- 4. The Department activated MA coverage for February and March 2011; but f ailed to determine eligibility, thus denying coverage, for the months of December 2010 and January 2011.
- 5. On February 27, 2012, Department received the written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is est ablished by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administer ed by the Department of Human Services, formerly k nown 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 Manual ("BRM").

An incomplete application contains the mini mum information required for registering the application. BAM 115. W hen the applicant or the r epresentative completes a previously incomplete application, the application must be re-signed and re-dated on the signature page. BAM 115. The original regi stration date, regardless of how or when the application becomes complete, is retained. BAM 115.

The law pr ovides that disposition may be made of a contest ed case by s tipulation or agreed settlement. MCL 24. 278(2).

In this case, the Department registered the February 24, 2011 MA application which sought retroactive benefits for December 2010. The Department activated coverage for February 2011, and for the following month. Although the Department did not formally deny the retroactive application, eligibility was never determined. During the hearing, the Department agreed to determine MA eligibility for the months of December 2010 and January 2011. All parties were amenable to this resolution. Accordingly, there is no other issue that needs to be adjudicated.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the parties have reached an agreement.

Accordingly, it is ORDERED:

1. The Department shall, as agreed, determine MA eligibility for December 2010 and January 2011.

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- 2. The Department shall notify the Cla imant and the AHR of the determination in accordance with department policy.
- 3. The Department shall supplement for lo st benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka

Administrative Law Judge

For Maura Corrigan, Director

Department of Human Services

Date Signed: July 6, 2012

Date Mailed: July 6, 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 order 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 **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

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