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

### IN THE MATTER OF:



Reg. No.:201258731Issue No.:2026Case No.:Image: County and the second second

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

# 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 telephone hearing was held on October 18, 2012. Claima nt appeared and provided testimony on his behalf. Participants on behal f of the Department of Human Services (Department) included

## ISSUE

Are Administrative Law Judges permitted to make exceptions to Department of Human Services (DHS) policy regulations?

# FINDINGS OF FACT

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

- 1. On May 31, 2012 the DHS terminated full MA-P and approved MA-P deductible per BEM 544.
- The Claimant agreed that the DHS decision was correct according to DHS policy.
- 3. Claimant wants an exception to the DHS based on equitable consideration.

# CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program

#### 201258731/WAS

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).

Facts above are undisputed.

Administrative Law Judge are required to follow policy.

Therefore, based on the undisputed fa cts above and the Department of Human Services policy requirement, this Administrative Law Judge has no legal authorization to grant the Claimant's r equested exception to t he Department of Hu man Services policy requirement.

# **DECISION AND ORDER**

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that Administrative Law Judges are not permitted to make exceptions to DHS policy.

Accordingly, approval of MA-P deductible is UPHELD.

William A Sundquist

William A. Súndquist Administrative Law Judge For Maura D. Corrigan, Director Department of Human Services

Date Signed: February 12, 2013

Date Mailed: February 12, 2013

**NOTICE:** Administrative Hearings may or der a re hearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r 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.

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 <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;

### 201258731/WAS

• 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 Recons ideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

#### WAS/tb

