

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-69408
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: October 31, 2012
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held in Inkster, Michigan on Wednesday, October 31, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- Family Independence Program ("FIP")?
- Food Assistance Program ("FAP")?
- Medical Assistance ("MA")?
- Adult Medical Assistance ("AMP")?
- State Disability Assistance ("SDA")?
- Child Development and Care ("CDC")?
- State Emergency Services ("SER")?

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 benefits based on disability on August 17, 2010, retroactive to July 2010. (Exhibit 1)

2. On June 2, 2011, the Department sent a verification checklist to the Claimant requesting the evidence be submitted by June 13, 2011. (Exhibit 2)
3. On June 13, 2012, the Department received and granted an extension request to June 23rd. (Exhibit 3)
4. On June 23rd, the Department received a second record extension request. (Exhibit 4)
5. On June 23, 2011, the Department denied the application based on the failure to submit the requested verifications. (Exhibit 6)
6. The AHR did not receive the June 23rd denial.
7. On November 8, 2011, the Department received the AHR's written request for hearing. (Exhibit 7)

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual (BEM), the Reference Tables Manual ("RFT"), and the State Emergency Relief Manual ("ERM").

The Medical Assistance ("MA") program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department of Human Services, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, the Department received the Claimant's August 2010 application for MA benefits retroactive to July 2010. For some unknown reason, verification checklists were not sent out until June 2011. The Department received and granted an extension request, changing the due date to June 23, 2011. On June 23rd, a second record extension requested was received; however, the request was not acted on and the application was denied based on the failure to submit the requested verifications. The denial was not sent to the Authorized Hearing Representative as required in policy, and, despite the denial, the Department continued to communicate and accept medical evidence/verifications from the AHR. During the hearing, the Department acknowledged policy [BAM 130 (July 2010), p. 5] which provides for the extension of the verification checklist due date up to 3 times. In light of the foregoing, the Department agreed to re-register and initiate processing of the August 2010 application retroactive to July 2010. All parties were amenable to this resolution. As a result of this settlement, there is no further issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Re-register and initiate processing of the August 2010 MA-P application retroactive to July 2010, in accordance with Department policy.
2. The Department shall notify the Claimant and his AHR in writing of the determination in accordance with Department policy.
3. The Department shall supplement for lost benefits 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: November 1, 2012

Date Mailed: November 1, 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.

CMM/tmm

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