

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-14434
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 14, 2012
County: Wayne (82-82)

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 following Claimant's request for a hearing. After due notice, a hearing was held on Wednesday, March 14, 2012, in Detroit, Michigan. The Claimant did not appear; however, his Authorized Hearing Representative ("AHR"), [REDACTED], [REDACTED], appeared on his behalf. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's November 26, 2008, application for Medical Assistance ("MA-P") program benefits retroactive to August 2008?

FINDINGS OF FACT

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

1. The Claimant submitted an application for MA-P benefits on November 26, 2008 with retroactive benefits for August 2008. (Exhibits 5, 6)
2. On or about March 7, 2009, the Medical Review Team ("MRT") found the Claimant not disabled.
3. The Department notified the Claimant of the MRT denial on (or about) March 17, 2009.

4. On June 11, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 2)
5. On September 22, 2010, the Claimant submitted another MA-P application.
6. On October 17, 2011, the MRT found the Claimant not disabled. (Exhibit 1, pp. 1, 2)
7. On October 20, 2011, the Department notified the Claimant of the MRT determination.
8. On November 8, 2011, the Department date-stamped the June 11, 2009, hearing request in response to the October 20th MRT denial.
9. On January 17, 2012, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 4)
10. During the hearing, the Department presented evidence that for the period from October 1, 2007, through August 31, 2009, the Claimant had full MA-P coverage. (Exhibit 3)

CONCLUSIONS OF LAW

MA-P 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, formerly known as the Family Independence Agency, administers MA-P 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 law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In this case, the Claimant submitted two applications for MA-P coverage; one dated November 26, 2008, retroactive to August 2008, and a second dated September 22, 2010. In response to the denial of the November 2008 application, the Claimant timely submitted a written request for hearing. Based on the record, the Department failed to submit the packet to the SHRT for consideration and a hearing was not scheduled.

A second application was submitted in September 2010 resulting in another MRT denial. The parties were notified; however, a "new" hearing request was not received. Instead, the Department date-stamped the original hearing request from June 2009 to November 2011. The Department proceeded to process the case by forwarding the medical records to the SHRT for a determination, which ultimately resulted in another denial.

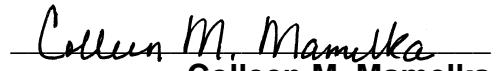
During the hearing, the AHR testified that the only hearing request at issue was the one submitted in June 2009. The Department presented evidence showing that the Claimant had full MA-P coverage in August 2008, which is the retroactive month for which the AHR seeks benefits. In light of the fact that the Claimant had full MA-P coverage for the period at issue, the Department agreed to reprocess the November 26, 2008, application. All parties were amenable to this resolution. In light of the agreement, there is no further issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall, as agreed, initiate processing of the November 26, 2008, application retroactive to August 2008 in accordance with Department policy.
3. The Department shall notify the Claimant and his AHR 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 with respect to the November 2008 application if otherwise eligible and qualified.


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

Date Signed: March 15, 2012

Date Mailed: March 15, 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

CMM/pf

cc:

