

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-18210
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, [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 August 26, 2011, Medical Assistance ("MA-P") application, retroactive to June 2011?

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 retroactive to June 2011, on August 26, 2011.
2. On September 7, 2011, a Verification Checklist was sent to the Claimant requesting checking account information and 2011 medical records be submitted by September 19, 2011. (Exhibit 1, p. 5)
3. The Claimant submitted the requested checking account verification but was unable to secure the 2011 medical records.

4. On or about November 18, 2011, the Department denied the application based on the failure to submit the requested verifications.
5. On December 5, 2011, the Department received the Claimant's timely written request for hearing.
6. On February 24, 2012, the Social Security Administration ("SSA") found the Claimant disabled as of February 9, 2011. (Exhibit 1)

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 the 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 Department agreed to initiate re-processing of the August 26, 2011, application based on documentation establishing that the Claimant timely provided the requested verifications and based on the favorable SSA determination. In light of the accord, there is no further 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 that the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's action is not upheld.
2. The Department shall, as agreed, initiate processing of the August 26, 2011, application retroactive to June 2011 in accordance with Department policy.
3. The Department shall notify the Claimant and his 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 with respect to the August 26, 2011, application 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: 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.

2012-18210/CMM

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:

