

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-29288
Issue No.: 2003, 4031
Case No.: [REDACTED]
Hearing Date: June 6, 2012
Wayne County DHS (15)

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 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, June 6, 2012. The Claimant did not appear; however, her Authorized Hearing Representative, [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's January 4, 2010 application for Medical Assistance ("MA-N") benefits retroactive to December 2009?

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 public assistance seeking MA-N benefits retroactive to December 2009, on January 4, 2010. (Exhibit 1)
2. At the time of application, the Claimant's daughter [REDACTED] attended high school and resided with the Claimant.
3. On January 14, 2010, the Department denied the application but did not send Notice to the Authorized Hearing Representative ("AHR").
4. In November 2011, the Department sent the AHR Notice of the denial.

CONCLUSIONS OF LAW

As a preliminary matter, the Department denied the January 4, 2010 application on January 14, 2010; however, the AHR was not informed of the denial until November 2011. Accordingly, the January 18, 2012 request for hearing is timely. The Department did not dispute timeliness.

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formally known 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”). The Adult Medical Program (“AMP”), the Low Income Family (“LIF”), and the Medicaid based on having a minor child(ren) in the home (“MA-N”), are part of the MA program. BEM 640; BEM 110; BEM 113.

MA is available to parents and other caretaker relatives who meet the eligibility factors. BEM 135. A caretaker relative is a person who (in part) lives with a dependent child. BEM 135. A dependent child meets the age and school attendance requirement when the child is under age 18 or, is age 18 and a full-time student in a high school and expected to graduate before age 19. BEM 135.

In this case, the Claimant/AHR submitted an application for public assistance seeking MA-N and SDA benefits on January 4, 2010 with retroactive benefits to December 2009. At the time of application, the Claimant’s daughter was 18 years old and a full-time student expected to graduate in the spring of 2010. Despite having a dependent child in the home, the Department denied the application. In light of the foregoing, it is found that the Department’s denial is not upheld.

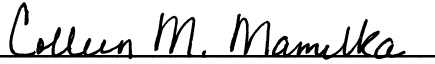
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department failed to establish it acted in accordance with department policy when it denied the Claimant’s January 4, 2010 application.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.
2. The Department shall re-register and process the Claimant’s January 4, 2010 application, retroactive to December 2009, in accordance with department policy.

3. The Department shall notify the Claimant and her 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 if otherwise eligible and qualified based on the January 2010 application.



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

Date Signed: June 13, 2012

Date Mailed: June 13, 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.

2012-29288/CMM

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

CMM/cl

cc:

