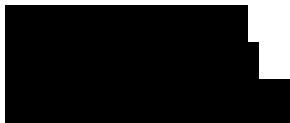


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201229811
Issue No: 2012
Case No: [REDACTED]
Hearing Date: May 24, 2012
Macomb County DHS #12

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 May 24, 2012. The claimant's authorized representative personally appeared and provided testimony.

ISSUES

Whether the department properly processed the claimant's application for Medical Assistance (MA) benefits?

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 MA benefits on April 27, 2011.
2. The claimant did not receive any notice of approval or denial for the April 27, 2012 application.
3. The claimant submitted a new application for MA benefits and was approved on or about September 26, 2011.
4. The claimant was sent notice of the approval on September 28, 2011.
5. The claimant filed a request for hearing on December 20, 2011, protesting the date of approval for MA benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

In the case at hand, the department representative testified that there was no record that any communication either approving or denying the April 27, 2011 MA application was ever sent to the claimant. The department representative was also not able to state a reason for the denial of the April 27, 2011 application. The department representative suggested that the claimant submit a new application and that the application be processed as of April 27, 2011. The claimant's authorized representative testified that this would be an appropriate course of action.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department would allow the claimant to submit a new application for MA benefits and would process said application as of April 27, 2011. The claimant's authorized representative agreed that this was an appropriate course of action to take. Therefore, the department and the claimant's authorized representative have stipulated to the action to be taken in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly process the claimant's application for MA benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall allow the claimant to submit a new application for MA benefits and process the application as of April 27, 2011. If the claimant is found to be otherwise eligible, the department shall issue benefits accordingly and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 25, 2012

Date Mailed: May 25, 2012

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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.

CSS/cr

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