

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-32384  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: April 11, 2012  
County: Monroe

**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 in Monroe, Michigan on Wednesday, April 11, 2012. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

**ISSUE**

Whether the Department properly processed the Claimant's 2010 Medical Assistance application(s)?

**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 applications for medical assistance ("MA") in the latter half of 2010.
2. On September 10, 2010, the Claimant's Authorized Representative submitted two facility admission notices to the Department along with the Authorization to Represent. (Claimant Exhibit A, pp. 3 – 7)
3. For the period of July 1, 2010 through September 1, 2011, the Authorized Representative and the Department communicated via email regarding the status of the Claimant's MA application. (Claimant Exhibit A, pp. 8 – 21)
4. The 2010 MA application was not properly processed.

5. On December 1, 2011, the Department received the Claimant's written request for hearing.
6. During the hearing, the Department agreed to process a September 2010 application, retroactive to June 2010.

### **CONCLUSIONS OF LAW**

The Medical Assistance program ("MA") 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. 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/Representative presented documentation that established that a MA application was submitted during the summer of 2010. In September 2010, the Department received two facility admission notices along with the written Authorization to represent. Based on the record, it appears the application was lost. The Claimant/Representative agreed to re-create the application and submit it to the Department. During the hearing, the Department agreed to process a September 2010 application with retroactive benefits to June 2010. All parties were amenable to this resolution. In light of the accord, 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 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 a September 2010, 2010 application retroactive to June 2010 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 with respect to the September 2010 application if otherwise eligible and qualified.

*Colleen M. Mamelka*

**Colleen M. Mamelka**

Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: April 18, 2012

Date Mailed: April 18, 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

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cc:

