

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-37855
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 28, 2012
Wayne County DHS (31)

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 Thursday, June 28, 2012. The Claimant [REDACTED] appeared on his behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's February 24, 2011 application for Medical Assistance ("MA") benefits retroactive to December 2010?

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 [REDACTED].
2. An incomplete application for public assistance seeking MA benefits retroactive to December 2010, was submitted on behalf of [REDACTED] on February 24, 2011.
3. On April 7, 2011, the Probate Court appointed a Special Personal Representative to act on behalf of [REDACTED] for the purpose of securing MA benefits.

4. The Department activated MA coverage for February and March 2011; but failed to determine eligibility, thus denying coverage, for the months of December 2010 and January 2011.
5. On February 27, 2012, Department received the written request for hearing.

CONCLUSIONS OF LAW

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, formerly 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”).

An incomplete application contains the minimum information required for registering the application. BAM 115. When the applicant or the representative completes a previously incomplete application, the application must be re-signed and re-dated on the signature page. BAM 115. The original registration date, regardless of how or when the application becomes complete, is retained. BAM 115.

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 registered the February 24, 2011 MA application which sought retroactive benefits for December 2010. The Department activated coverage for [REDACTED], February 2011, and for the following month. Although the Department did not formally deny the retroactive application, eligibility was never determined. During the hearing, the Department agreed to determine MA eligibility for the months of December 2010 and January 2011. All parties were amenable to this resolution. Accordingly, there is no other issue that needs to be adjudicated.

DECISION AND ORDER

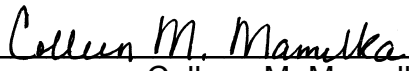
The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the parties have reached an agreement.

Accordingly, it is ORDERED:

1. The Department shall, as agreed, determine MA eligibility for December 2010 and January 2011.

2012-37855/CMM

2. The Department shall notify the Claimant [REDACTED] and the AHR of the determination in accordance with department policy.
3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.



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

Date Signed: July 6, 2012

Date Mailed: July 6, 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

2012-37855/CMM

CMM/cl

cc:

