

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-42173
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 29, 2012
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 telephone hearing was held on May 29, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

The record was extended to allow Claimant's representative additional time to submit proof of application submission. On May 31, 2012, Claimant faxed over an additional six pages of documents which included a cover page. This additional evidence was received and considered in rendering this decision.

ISSUE

Did the Department fail to process the Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October 7, 2008, an application for MA including retro MA back to August 2008 was submitted by [REDACTED] on behalf of Claimant.
2. On October 10, 2008, the Medical Review Team (MRT) denied this application.
3. On October 16, 2008 a denial notice was issued to the Claimant.

4. On February 20, 2009, a representative group requested a hearing regarding an alleged MA application dated November 14, 2008, with a request for retro MA back to August 2008.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). 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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

In the instant case, Claimant's representative submitted a hearing request on February 20, 2009, to prompt processing of an alleged November 14, 2008, application for MA including retro MA back to August 2008. The Department responded with acknowledging an October 7, 2008, application for MA which also requested retro back to August 2008. On a hearing summary completed on March 27, 2012, the Department indicates this application was denied on October 16, 2008, by the Department upon an October 10, 2008, Medical Review Team denial.

Claimant's representative asserted at hearing that an application was submitted on November 14, 2008, to the Department for MA assistance and also requesting retro MA back to August 2008. Claimant's representative was given an opportunity to submit additional evidence.

On May 31, 2012, Claimant's representative faxed a copy of a DHS-1171, page 3, with Claimant's name and information on it. There is a generic date stamp of November 14, 2008, on this document. Claimant's representative also submitted a faxed copy showing the same evidence was sent to and received by the Department on May 31, 2012. Claimant's representative also included a copy of a Social Security card and passport.

At issue in this case is whether or not an application was submitted to the Department by Claimant and/or his representative on November 14, 2008. The only evidence submitted by the Claimant's representative is a copy of a DHS-1171 with Claimant's name on it with a nondescript date stamp. The date stamp only indicates the date and fails to indentify the Department on it. This generic date stamp in and of itself fails to demonstrate an application was submitted to the Department on November 14, 2008.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that Claimant and/or his representative failed to demonstrate that an application was submitted on November 14, 2008.

Therefore, the Department correctly processed the applications that were, in fact, properly received.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 14, 2012

Date Mailed: June 14, 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

JWO/pf

cc:

