

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-46022
Issue No.: 2003
Case No.: [REDACTED]
Hearing Date: June 28, 2012
Wayne County DHS (49)

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 did not appear; however, his Authorized Hearing Representative ("AHR"), [REDACTED], appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's April 14, 2009 application for Medical Assistance ("MA") benefits retroactive to February 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 benefits retroactive to March 2009, in June 2009. (Exhibits 1, pp. 10 – 27)
2. The Claimant has minor children in the home. (Exhibit 1, pp. 15, 16)
3. At the time of application, the Claimant had earnings from employment. (Exhibit 1, p. 21, 52-53)

4. On December 19, 2011, the Department denied the application based on excess income. (Exhibit 1, p. 29, 32)
5. On March 7, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 2)

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 Tables ("RFT"). 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.

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 processed the Claimant's April 14, 2009 MA application and found the Claimant ineligible due to excess income. The Department was unable to ascertain the income figures that were used to reach this determination. Conversely, the AHR argued that because there were minor children in the home (which was noted on the application) and because the Claimant's earnings were not significant, MA should have been approved albeit with a deductible. During the hearing, the Department agreed to reprocess the April 14, 2009 application, retroactive to February 2009. All parties were amenable to this resolution. In light of the foregoing, 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, register and process the Claimant's April 19, 2009 application, retroactive to February 2009, to determine eligibility under the MA-N program.
2. The Department shall notify the Claimant and her Authorized Hearing Representative 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 based on the April 19, 2009 application.

Colleen M. Mamelka

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

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cc:

