

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-46058
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: July 18, 2012
Macomb County DHS (12)

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 hearing was held in Clinton Township, Michigan on Wednesday, July 18, 2012. The Claimant did not appear; however, his Authorized Hearing Representative, [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 July 21, 2011 application for Medical Assistance ("MA-P") benefits retroactive to April 2011?

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-P benefits retroactive to April 2011, on July 21, 2011.
2. The application was never registered and/or processed.
3. On January 10, 2012, the Department received the Claimant's 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, formally 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”).

A request for public assistance may be in person, by mail, telephone or through an internet application. BAM 110. Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. BAM 105. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115. If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. BAM 115.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Rules 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code, R 400.903. A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1).

In this case, the Claimant/AHR submitted an application seeking MA-P benefits, retroactive to April, on July 21, 2011. The application was never registered and/or processed. During the hearing, the Department acknowledged receipt of the application as well as the failure to process. In light of the foregoing, the Department’s actions are not upheld.

DECISION AND ORDER

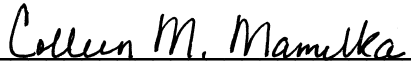
The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department failed to establish that it acted in accordance with department policy when it received the Claimant’s July 21, 2011 MA-P application.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.

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2. The Department shall register and process the Claimant's July 21, 2011 application, retroactive to April 2011, in accordance with department policy.
3. The Department shall notify the Claimant and his 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 if otherwise eligible and qualified based on the July 21, 2011 application.



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

Date Signed: July 26, 2012

Date Mailed: July 26, 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.

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Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

