

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

IN THE MATTER OF:

[REDACTED]

Monroe

Reg. No: 201262016
Issue No: 2018
Case No: [REDACTED]
Hearing Date: September 6, 2012
County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on September 6, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's October 21, 2011 application for Medical Assistance (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. October 21, 2011, Claimant submitted an application for Medical Assistance (MA), State Disability Assistance (SDA) and Food Assistance Program (FAP) benefits.
2. On October 24, 2011, Claimant was approved for Food Assistance Program (FAP) benefits.
3. On December 5, 2011, Claimant submitted his Medical Review Team packet.
4. On February 13, 2012, Claimant's Food Assistance Program (FAP) eligibility was re-determined. Claimant was sent a Notice of Case Action (DHS-1605) stating his Food Assistance Program (FAP) benefits were approved.
5. On March 1, 2012, the Medical Review Team deferred Claimant's disability determination in order to obtain additional medical evidence.

Claimant was sent a Medical Determination Verification Checklist (DHS-3503-MRT). The required information was due on March 12, 2012.

6. On March 12, 2012, Claimant had not returned the required medical information.
7. On June 29, 2012, Claimant submitted a request for hearing on the February 13, 2012 Notice of Case Action (DHS-1605).

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) 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 Program Reference Manual (PRM).

During this hearing it was determined that Claimant was requesting a hearing about his Medical Assistance (MA) and State Disability Assistance (SDA) application. The Department representative at this hearing, D. Schlagheck, testified that there was no evidence to show that Claimant was ever sent a Notice of Case Action (DHS-1605) regarding the denial of his Medical Assistance (MA) and State Disability Assistance (SDA) application.

Because there is no date of a first written notice to Claimant of the Department action, there is no identifiable 90 day time limit for submission of a request for hearing. Claimant's request for a hearing about his Medical Assistance (MA) and State Disability Assistance (SDA) application is a hearable issue.

Because Claimant did not receive any notice of the reason for his application's denial, he was unable to prepare for a hearing on the reason for the denial and it would be a violation of his due process rights to determine if the denial was a correct action.

Regardless of the reason for the application's denial, the Departmental action was not done in accordance with Department policy. For that reason the denial of Claimant's October 21, 2011 application for Medical Assistance (MA) and State Disability Assistance (SDA) is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's October 21, 2011 application for Medical Assistance (MA) and State Disability Assistance (SDA).

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department re-evaluate Claimant's October 2, 2011 application for Medical Assistance (MA) and State Disability Assistance (SDA) and issue a Notice of Case Action (DHS-160 5) informing Claimant of the determination made.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 2, 2012

Date Mailed: October 3, 2012

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/tb

cc:

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