

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

IN THE MATTER OF:



Reg. No.: 201268353
Issue No.: 2012; 3000; 6000
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 October 3, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Supervisor.

ISSUE

The issue is whether DHS failed to process a request for Medical Assistance (MA) benefit eligibility for Claimant and/or her daughter.

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 6/13/12, Claimant applied for MA (for herself and daughter), Child Development and Care (CDC) and Food Assistance Program (FAP) benefits.
2. DHS failed to process Claimant's request for MA benefits for herself.
3. On 8/2/12, DHS denied Claimant's application for FAP and CDC benefits due to excess income.
4. On 8/2/12, Claimant requested a hearing to dispute the denial of CDC and FAP benefits.

5. On 8/2/12, Claimant also requested a hearing concerning alleged failures by DHS to process MA benefits for herself and her daughter.
6. Claimant's daughter's MA eligibility was continuous and never stopped.
7. DHS conceded that there was a failure to process MA benefit eligibility for Claimant.
8. Claimant conceded that DHS properly denied FAP and CDC benefit eligibility.

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). DHS 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 Reference Tables Manual (RFT).

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications is 45 days. BAM 115 (5/2012), p. 12.

In the present case, it was not disputed that Claimant submitted an application to DHS on 6/13/12 requesting MA benefits for herself and her daughter. DHS conceded that the MA benefit request for Claimant was not processed. DHS agreed to register Claimant's application dated 6/13/11 and to process Claimant's MA benefit eligibility.

There was also a dispute concerning Claimant's daughter's MA benefit eligibility. Claimant contended that DHS terminated her daughter's MA benefit eligibility effective 5/2012. DHS responded that Claimant's daughter's MA benefit eligibility has been active at least since 5/2012. During the hearing, DHS obtained an Eligibility Summary which verified that Claimant's daughter's MA benefit eligibility has been active since at least 5/2012. Accordingly, Claimant's hearing request concerning MA benefits for her daughter would appropriately be dismissed because DHS took no adverse action on her daughter's MA benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS has not taken any adverse actions concerning Claimant's daughter's MA benefit eligibility. It is further found that Claimant accepted the application denial concerning FAP and CDC benefits. Claimant's hearing request concerning these issues is DISMISSED.

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS failed to register Claimant's request for MA benefits. It is ordered that DHS:

- (1) register Claimant's MA benefit application 6/13/12 requesting MA benefits for herself; and
- (2) process Claimant's request in accordance with DHS regulations.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/11/2012

Date Mailed: 10/11/2012

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

CG/hw

cc:



