

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 72844
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: December 10, 2012
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, an in person hearing was held on December 20, 2012, from Madison Heights, Michigan. Participants on behalf of Claimant included [REDACTED] the claimant did not appear. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? RETRO | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA).and retro | <input type="checkbox"/> Child Development and Care (CDC). |

2. The Claimant applied for Medical Assistance on May 16, 2011. Exhibit 6
3. At the time of the 5/ 16/12 application the Claimant did not have an Authorized Hearing Representative.
4. The department approved the Claimant's application effective May 1, 2011.
5. The Department did not receive a retro active medical assistance application for the May 16, 2012 application.
6. On June 20, 2011 Claimant appointed [REDACTED] as her Authorized Hearing Representative.
7. On March 7, 2012 the Claimant's AHR [REDACTED] submitted a retroactive medical request dated [REDACTED] requesting retroactive medical assistance for April 2011. Exhibit 3..
8. The Department denied Claimant's AHR 3/7/12 application for retro active medical assistance. The Claimant's AHR received the denial on 5/2/12. Exhibits 5 and 1.
 closed Claimant's case
9. On 8/16/12, Claimant Authorized Hearing Representative filed a hearing request, protesting the
 denial of the application for retro medical assistance. closure of the case.

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 AACR, 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.

Additionally, in this case the Claimant originally, at the time of her application dated May 16, 2011, was not represented by an Authorized Hearing Representative. The Claimant did not appoint an AHR until June 20, 2012. Exhibit 2. As such the only person who could request a hearing regarding whether the Department took proper action with regard to that application was the Claimant. As regards the application, the Claimant's AHR has no standing to request a hearing with regard to the May 16, 2011 application.

In this case the Claimant's AHR filed a retro application on March 7, 2012 which was denied because the application date did not cover the retro period for April 1, 2011 and thus correctly denied the application. The Claimant's AHR requested a hearing on August 16, 2012 regarding this denial. It is noted that the AHR received the application on May 2, 2012 but did not request a hearing until August 16, 2012 and thus its request for hearing regarding the denial of the application was not timely. Exhibit 1. The claimant's AHR by letter dated August 16, 2012 indicates that it received the denial on May 2, 2012 but did not request a hearing until August 16, 2012. On its face the hearing request is untimely as it was not filed within 90 days of even the date of receipt of the denial. Michigan Department of Human Services Bridges Administrative Manual, (BAM) 600 (October 2012.).

Based upon the record presented including the testimony of the parties and the documentary evidence presented, I find that the Department properly denied the Claimant's March 7, 2012 retroactive medical assistance application seeking benefits for the month of April 2011 as the application could not properly cover April 2011 as it could only be retroactive 3 months from March 7, 2012. Additionally, I find that the Claimant's AHR has no basis to request a hearing regarding the original application filed by the Claimant as regards any issue regarding whether that application requested retroactive

medical assistance as they were not the Claimant's AHR with regard to the application.

I also find that by its own admission the Claimant's request for hearing regarding the denial of the March 7, 2012 application was not timely.

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 the Department

properly denied Claimant's 3/7/12 application improperly denied Claimant's application for retroactive medical assistance
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA retro SDA CDC.

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.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 10, 2013

Date Mailed: January 10, 2013

LMF/cl

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

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

LMF/cl

cc:

