

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

IN THE MATTER OF:



Reg. No.: 201265355
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: December 19, 2012
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

AMENDED 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, an in-person hearing was held on December 19, 2012.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

On 4/8/13 the undersigned Administrative Law Judge (ALJ) issued a hearing Decision reversing the DHS's denial and approving Claimant from the "2/22/11 application date."

On 4/12/13 the undersigned ALJ received an email from the local office indicating that the correct application date pursuant to the [REDACTED] and on the application (1171) was 2/22/12 and not 2/22/11. The undersigned ALJ re-listen to the testimony by the DHS on the recording. The DHS did in fact testify as to a 2/22/11 application date. A review of the packet does indicate that the correct application date should have been 2/22/12. The DHS stipulates by its email that it erred in its testimony. The hearing decision signed 4/5/13 and issued on 4/8/13 is hereby amended with regards to the application date to change it to: 2/22/12. In all other respects, there is no change in the hearing decision.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/26/13

Date Mailed: 5/1/13

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 mailing 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

JGS/tb

cc:

