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

DEPARTMENT OF HOM	AN SERVICES	
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-1778 2018 February 21, 2013 Macomb (50-20)
ADMINISTRATIVE LAW JUDGE: Jonathan W. C	wens	
HEARING DECI	SION	
This matter is before the undersigned Administrate and MCL 400.37 following Claimant's request telephone hearing was held on February 21, 2013 on behalf of Claimant included of the Department of Human Services (Department)	for a hearing. 3, from Detroit, Mi . P	After due notice, a
<u>ISSUE</u>		
Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:		
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF F	<u>ACT</u>	
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa	-	rial, and substantial
Claimant ⊠ applied for benefits ☐ received b	enefits for:	
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	•	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

 On June 8, 2012, the Department
 On August 24, 2012, the Department sent ☐ Claimant
 On September 18, 2012, Claimant filed a hearing request, protesting the
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 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, <i>et seq.</i> , and MCL 400.105.
The Department processed Claimant's application for benefits dated May 14, 2012, and denied the application for failure to provide verifications. At hearing, it was discovered Claimant's representative was never sent a verification checklist requesting any verifications. The Department indicated the original verification was sent out as part of a redetermination started prior to April 2012. The Department was unable to say for certain if the verification had been reissued to Claimant and her representative following the application filed on May 14, 2012.
BAM 110, p. 7, requires the Department to send communications to the authorized representative.
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 application ☐ improperly denied Claimant's application ☐ improperly closed Claimant's case ☐ improperly closed Claimant's case
for:
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.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF
THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. Initiate registration of Claimant's May 14, 2012, application for MA including retro MA benefits back to March 2012;
- 2. Process the application and issue a written determination.

Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 26, 2013

Date Mailed: February 26, 2013

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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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

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

JWO/pf

