

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-2089
Issue No.: 2024
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on February 14, 2013, in Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, [REDACTED], of ADVOMAS. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES, and [REDACTED], FIM.

ISSUE

Did the Department properly deny Claimant's spouse's Medical Assistance (MA) application and retroactive application due to Claimant's spouse not residing with Claimant?

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 February 27, 2012, Claimant's spouse applied for MA and retroactive MA as of November of 2011. (Exhibits 5, 6)
2. The Department denied the application in part, due to Claimant's spouse not residing with Claimant for some of the period for which MA was requested.
3. During the month of November of 2011 and thereafter, Claimant's spouse was living with Claimant.

4. On September 23, 2012, Claimant filed a hearing request, protesting the denial of the application. closure of the case. calculation.

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, *et seq.*, and MCL 400.105.

In the present case, the Department denied the MA application in part, due to Claimant's spouse not residing with Claimant for some of the period for which MA was requested.

The Department points to Claimant's spouse having a separate Food Assistance Program case through December of 2011, and to Claimant's spouse having on file different addresses from that of Claimant's address.

However, Claimant's spouse's FAP case was last certified in September of 2011 (Exhibit 3), which indicates that the Department was unaware of Claimant and Claimant's spouse residing with each other as of November of 2011. In addition, Claimant's Authorized Hearing Representative testified credibly at the hearing that Claimant's spouse informed him in preparation for a previously scheduled hearing and at the admitting hospital in February of 2012 that he and Claimant lived in the same household, along with their children as of November of 2011. Also see Exhibit 6, Retroactive Application, in which all the family members are listed as living together, including Claimant's spouse.

It is logical to conclude, based on the above discussion, that Claimant's spouse and Claimant were living together during November of 2011 and ongoing.

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

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|--|--|
| <input type="checkbox"/> properly denied Claimant's application | <input checked="" type="checkbox"/> improperly denied Claimant's application |
| <input type="checkbox"/> properly closed Claimant's case | <input type="checkbox"/> improperly closed Claimant's case |
| <input type="checkbox"/> properly calculated Claimant's benefits | <input type="checkbox"/> improperly calculated Claimant's benefits |

for: AMP FIP FAP MA SDA CDC.

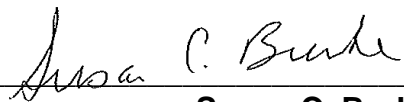
DECISION AND ORDER

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.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reprocessing of Claimant's spouse's February 27, 2012 MA application and retroactive application.
2. Include Claimant's spouse as part of Claimant's household as of November 1, 2011, in processing the MA application and retroactive application.
3. Inform Claimant and Claimant's Authorized Hearing Representative in writing of the approval or denial of the application and retroactive application.


Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 15, 2013

Date Mailed: February 20, 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 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

SCB/tm

cc:

