

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-25360  
Issue No.: 2018  
Case No.: [REDACTED]  
Hearing Date: April 29, 2013  
County: Wayne (82-76)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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 April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

1. Whether the Department properly denied the Claimant's application for Medical Assistance (MA)?
2. Whether the hearing request was filed timely?

**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:
  - Family Independence Program (FIP).  Adult Medical Assistance (AMP).
  - Food Assistance Program (FAP).  State Disability Assistance (SDA).
  - Medical Assistance (MA).  Child Development and Care (CDC).
2. On July 2, 2012, the Department sent  Claimant  Claimant's Authorized Representative (AR) notice of the  denial.  closure.

3. On January 15, 2013, Claimant filed a hearing request, protesting the  denial of the application.  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 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 first issue to address is whether the hearing request filed is considered timely.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, BAM 600, p. 4, provides, in relevant part, as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

After reviewing the evidence submitted, it was noted the notice of case action fails to show the representative was sent a copy of the notice of denial. The Department simply appears to have sent a copy of the notice to Claimant and not her Authorized Representative. Claimant's representative must be provided a copy of case actions per policy. Therefore, the hearing request filed on January 15, 2013, regarding a case action dated July 2, 2012, is not untimely.

The second issue presented is whether the Department properly denied Claimant's application for failure to provide verifications. Claimant's Representative presented date-stamped copies of the documents provided to the Department on May 10, 2012. The packet marked as Exhibit A, pp. 1-9, was alleged to meet the requirements of the verifications requested. The packet did not include medical documents; however, Claimant's representative asserted that, as a business practice and to save on cost, they do not duplicate the medical documents submitted.

After reviewing the evidence submitted this, Administrative Law Judge finds Claimant's verifications were submitted to the Department prior to the due date of May 11, 2012. Therefore the Department did not act in accordance with policy when it denied Claimant's MA application.

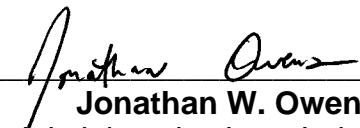
**DECISION AND ORDER**

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. Process Claimant's application for MA dated March 23, 2012, in accordance with policy;
2. Issue a written determination.

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

Date Signed: May 6, 2013

Date Mailed: May 6, 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 **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 affect the substantial rights of the claimant:
  - failure of the ALJ to address other relevant issues in the hearing decision.

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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

JWO/pf

cc:

