

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201326163
Issue No: 2012
Case No: [REDACTED]
Hearing Date: March 21, 2013
Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 March 21, 2013. The claimant was represented by attorney Sherri Frame. The claimant appeared and provided testimony. The department witness was [REDACTED].

ISSUES

Did the department properly process the claimant's January 2, 2013 Medical Assistance (MA) and retro MA application?

FINDINGS OF FACT

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

1. The claimant submitted an application for Medical Assistance (MA) and retro MA on January 2, 2013.
2. The department issued an incorrect Notice of Case Action (DHS-1605) denying the claimant's MA on January 14, 2013.
3. On January 22, 2013, the claimant's attorney submitted a hearing request.

CONCLUSIONS OF LAW

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (RFT).

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In this case, the claimant and her representative agreed that the Food Assistance Program (FAP) was not an issue because the claimant was now receiving FAP.

The only issue the claimant and her representative continued to question was if the department had denied the MA and retro MA application or if it was continuing to be processed. The questions in this case arose from two inaccurate Notices of Case Action (DHS-1605) that were issued. These case actions showed the claimant was denied for MA, when, in reality, the department was still processing the case. The claimant is the beneficiary of a trust, which had to have the pertinent information about it sent to Lansing Central Office and evaluated. The evaluation of that trust was returned to the local office on March 18, 2013. Therefore, the department agreed that all information should be obtained and a decision should be immediately forthcoming on the application. It is noted that the claimant and her representative retain any hearing rights in regards to the decision the department issues on the MA application.

The claimant, claimant's representative and department agreed that this resolved the issue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department issued the MA denials in error.

Accordingly, the department's actions are **REVERSED**. The department shall process the claimant's January 2, 2013 MA application for MA and retro MA and issue a written decision as agreed upon in the hearing. It is SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 1, 2013

Date Mailed: April 1, 2013

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

SLM/cr

cc:

