

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2013-29888  
Issue No.: 2018  
Case No.: 1 ██████████  
Hearing Date: June 6, 2013  
County: Wayne (35)

**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 telephone hearing was held on June 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, ██████████ ██████████ Inc. Participants on behalf of the Department of Human Services (Department) included ██████████, APW.

**ISSUES**

Was Claimant's hearing request regarding Medical Assistance (MA) timely?

Did the Department properly deny Claimant's application for MA?

**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 MA on January 27, 2012, retroactive to November of 2011.
2. On February 9, 2012, the Department sent Claimant a Notice of Case Action, informing him that he was approved for MA from October 1, 2011 through October 31, 2011, but not approved for MA from November 1, 2011 through November 30, 2011.
3. The Notice of Case Action of February 9, 2012 did not indicate why Claimant's MA was denied for November 1, 2011 through November 30, 2011.

4. Claimant was represented by Claimant's Authorized Representative (AR) at the time the Notice of Case Action was mailed on February 9, 2012, but the Department did not issue the AR a copy of the Notice of Case Action until December 28, 2012.
5. On February 5, 2013, Claimant filed a hearing request, protesting the denial of MA.

### **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, on February 9, 2012, the Department sent Claimant a Notice of Case Action, informing him that he was approved for MA from October 1, 2011 through October 31, 2011, but not approved for MA from November 1, 2011 through November 30, 2011. The Notice of Case Action of February 9, 2012 did not indicate why Claimant's MA was denied for November 1, 2011 through November 30, 2011.

Claimant was represented by Claimant's AR at the time the Notice of Case Action was mailed on February 9, 2012. At the hearing, the Department representative presented no proof that the Department issued a copy of the Notice of Case Action to Claimant's AR until December 28, 2012. Therefore, Claimant's hearing request of February 5, 2013 was timely. See BAM 600.

In addition, the Notice of Case Action did not indicate why Claimant was denied for the month of November of 2011. A notice of case action must specify the reason(s) for the action taken by the Department. BAM 220, p. 1. Since the Department did not specify the reason taken for its denial of MA for the month of November of 2011, it cannot be concluded that the Department was correct in its action.

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 improperly denied Claimant's application for MA.

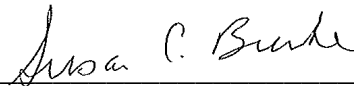
### **DECISION AND ORDER**

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 not act properly.

Accordingly, the Department's MA decision is REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Initiate reinstatement and reprocessing of Claimant's MA application of January 27, 2012, specifically for the retroactive month of November of 2011.
2. Consider all programs of MA, including Group 2 Caretaker Relative.
3. Notify Claimant's Authorized Hearing Representative of the Department's determination regarding Claimant's eligibility for MA for the month of November of 2011.



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

Date Signed: June 13, 2013

Date Mailed: June 17, 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.

2013-29888/SCB

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: [REDACTED]  
[REDACTED]  
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[REDACTED]  
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