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

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Reg. No.: 2013-38358

Issue No.: 2012

Case No.:

Hearing Date: May 15, 2013 County: Wayne (18)

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 May 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, A representative from the Department of Human Services (Department) did not appear for the hearing, even though the Department was given notice of the hearing.

# <u>ISSUE</u>

Did the Department properly process Claimant's application for Medical Assistance (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 benefits ☐ receive	ed benefits for:
	<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☒ Medical Assistance (MA).</li></ul>	<ul> <li>Adult Medical Assistance (AMP).</li> <li>State Disability Assistance (SDA).</li> <li>Child Development and Care (CDC)</li> </ul>

2. On April 2, 2013, Claimant filed a hearing request, protesting the action of the Department with regard to his application.

### **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 November 28, 2012 Claimant applied for MA, retroactive to August 1, 2012. At the hearing, the Department was not present to dispute Claimant's allegation that the application should be processed to include age eligibility.

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 processed 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 $\square$ did act properly. $\square$ did not act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\square$ FAP $\boxtimes$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Initiate reprocessing of Claimant's MA application of November 28, 2012, retroactive to August 1, 2012, if the Department has not already done so, to determine if Claimant is eligible for MA, including MA based on age.

2. Issue a written notice to Claimant's Authorized Hearing Representative of the Department's determination of Claimant's MA eligibility.

Susan C. Burke Administrative Law Judge

for Maura Corrigan, Director
Department of Human Services

Susa C. Bruke

Date Signed: May 30, 2013
Date Mailed: May 30, 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 <u>MAY</u> 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

