

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-48210
Issue No.: 2000;2001
Case No.: [REDACTED]
Hearing Date: July 18, 2013
DHS-HEALTHY
KIDS/PLAN 1ST

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 July 18, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] and [REDACTED] [REDACTED] (Case Manager). Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED]

ISSUE

Did the Department properly process the Claimant's April 29, 2013 Plan First application?

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 April 29, 2013, the Claimant applied online for medical assistance benefits. The Claimant selected the Plan First application; completed it; and submitted it.
2. As of April 29, 2013, the Claimant thought she was pregnant.
3. The Department approved the Claimant's April 29, 2013 application with a start date of April 1, 2013.
4. On May 16, 2013, the Claimant requested a hearing in an attempt to convert the April 29, 2013 application to an Adult Medical Program (AMP) 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 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 AMP is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

Any person may file an application for assistance. The date of application is the date the Department receives the application. The request may be made electronically or in any local office. All received applications with the minimum information must be registered by the Department within one workday for all **REQUESTED PROGRAMS**.

On April 29, 2013, the Claimant thought she was pregnant and submitted an application for Plan F first. The application was approved. Shortly thereafter, the Claimant requested a hearing to have the application converted to an application for the Adult Medical Program (AMP). At no point in time did the Claimant apply for the AMP program.

At the hearing, the Claimant's representative indicated the Claimant was confused due to a disability and therefore submitted the wrong application. I do not find this to be a valid or legitimate argument. The same representative indicated the Claimant applied for benefits because she thought she was pregnant. If the Claimant thought she was pregnant, Plan F first would have been the appropriate program to apply for as the program is a family planning program (health coverage program) operated by the Department of Community Health (DCH). Additionally, there is no evidence the Claimant contacted the Department and requested assistance during the application phase.

I am not aware of any such policy that would allow a Claimant to retroactively change an application to that of an application for a different benefit type (akin to changing a FIP application to a FAP application).

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department properly processed the Claimant's April 29, 2013 application.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, find the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 22, 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 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

2013-48210/CAA

CAA/las

cc:

