IN THE MATTER OF:

Reg. No.:	201326621
Issue No.:	2009; 4031
Case No.:	
Hearing Date:	May 8, 2013
County:	Barry County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 8, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and James Phillips, witness. Participants on behalf of Department of Human Services (Department) included Ms. Carol Moore, ES worker.

ISSUE

Did the Department properly process Claimant's MA-P and SDA application of September 12, 2012?

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 September 12, 2012 Claimant applied for MA-P and SDA with the Michigan DHS.

2. On September 13, 2012 the DHS sent an MRT form DHS 49A to MRT for SDA only with a new application date of September 12, 2012. On October 22, 2012 MRT deferred.

3. On December 6, 2012 the local office sent DHS 49A to MRT indicating that Claimant had an SDA review of October 22, 2012 with a new application dated September 12, 2012.

4. On neither of the MRT forms was MA-P indicated.

5.   On December 27, 2012 MRT denied SDA.

6.   On January 2, 2013 the DHS issued a notice of denial. That notice was not in the evidentiary packet.

7.   On January 9, 2013 Claimant filed a hearing request.

8.   On March 28, 2013 SHRT denied SDA based on a new application. SHRT did not review MA-P.

9.   At the May 8, 2013 administrative hearing, the department could not locate a DHS 49B or 49F. SHRT noted this was not completed as was required by policy.

10. At the administrative hearing, the department had a different evidentiary packet that the packet that was sent to MAHS.

11. At the evidentiary hearing, Claimant could not resolve the evidence as the department failed to issue an evidentiary packet to Claimant.

12. Claimant had approximately 200 pages or more of new medical at the administrative hearing.

13. The department could not resolve the discrepancies. The evidentiary record was insufficient to go forward with an administrative hearing.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3001 through R 400.3015.

☒ 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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

☒ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, in this case, there were extraordinary discrepancies which could not be resolved at the administrative hearing. As such, the department orders the department to resend the proper medical to the MRT and start the process anew. The requirements to reprocess this case are identified in the decision and order below.

It is noted that the department failed to follow it's policy and procedure in BEM and BAM with regards to general verification, hearings, and BAM Item 815 with regards to collecting medical and properly forwarding it to the MRT.

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 when it sent Claimant incomplete medical packet to MRT and sent a different medical packet to MAHS for a hearing. ☐ did not act properly .

It is therefore ORDERED:

1. Allow Claimant an opportunity to complete a DHS 49 and DHS 49F to add to her medical packet.

2. MAHS will send the packet which was issued to MAHS consisting of 102 pages of medical evidence back to the supervisor of the worker herein. That supervisor is instructed to review the packet the department has which is

apparently different. That supervisor is ordered to put Claimant's over 200 pages of new medical evidence brought to the administrative hearing along with the evidentiary packet of 102 pages and any other medicals which are in the local office file.

3. The department is ordered after compiling all the medical evidence of record and the new evidence submitted by Claimant along with the DHS 49 and DHS 49F and forward the same to MRT to indicate that Claimant is applying for both MA and SDA pursuant to a September 12, 2012 application.

IT IS SO ORDERED.

/s/_____

Janice G. Spodarek
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed:_____

Date Mailed:_____

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

JGS/jk

cc:

JGS/jk