

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

**IN THE MATTER OF:**

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Reg. No.: 2013-10380  
Issue No.: 2009  
Case No.: ██████████  
Hearing Date: May 6, 2013  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE: Jan Leventer**

**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 hearing was held on May 6, 2013, at Walled Lake, Michigan. Participating on behalf of Claimant, who is deceased, was Claimant's Special Personal Representative, ██████████, ██████████, ██████████. Participating on behalf of the Department of Human Services (Department) was ██████████, Eligibility Specialist.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |  |
|--|--|
| <input type="checkbox"/> Family Independence Program (FIP)?  | <input type="checkbox"/> Adult Medical Assistance (AMP)?               |
| <input type="checkbox"/> Food Assistance Program (FAP)?      | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)?             |

**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  received benefits for:

- |  |  |
|--|--|
| <input type="checkbox"/> Family Independence Program (FIP).  | <input type="checkbox"/> Adult Medical Assistance (AMP).               |
| <input type="checkbox"/> Food Assistance Program (FAP).      | <input checked="" type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC).             |

2. On August 7, 2012, the Department  
 denied Claimant's application     closed Claimant's case  
due to a determination that she was not disabled as defined by the Medicaid  
program standards.
3. On August 7, 2012, the Department sent  
 Claimant     Claimant's Authorized Representative (AR)  
notice of the     denial.     closure.
4. On October 30, 2012, Claimant filed a hearing request, protesting the  
 denial of the application.     closure of the case.

### **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.

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, Rule 400.3151 through Rule 400.3180.

Additionally, the following findings of fact and conclusions of law are entered in this case.

On February 18, 2013, the Claimant died.

On April 29, 2013, the Oakland County Probate Court issued Letters of Authority for Personal Representative to Michael Jankowski, Atty.

On May 3, 2013, the Personal Representative authorized L&S Assoc. to act as agent to assist in obtaining coverage of Claimant's health care expenses. Clmt. Exh. A, pp. 1-3.

On May 6, 2013, at the Administrative Hearing, new medical evidence was presented by Claimant's Personal Representative. On May 9, 2013 the new evidence was sent to the Department's State Hearing Review Team (SHRT). Interim Order Extending Time for Review by State Hearing Review Team, May 9, 2013.

On July 18, 2013 SHRT approved benefits to Claimant's Personal Representative on the basis that Claimant's impairment resulted in her death and therefore met the Medicaid criteria for disability. State Hearing Review Team Decision, July 18, 2013.

On July 23, 2013 the Michigan Administrative Hearing System (MAHS) received the SHRT decision for further consideration. In light of SHRT's approval of benefits, and the facts upon which it is based, the Administrative Law Judge finds and determines that Claimant's Personal Representative has established eligibility for Medicaid and SDA benefits. Consistent with the SHRT decision, Claimant is eligible based on the May 25, 2012 application, including retroactive benefits to February 1, 2012. *Id.*

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

properly denied Claimant's application     improperly denied Claimant's application  
 properly closed Claimant's case         improperly closed Claimant's case

for:    AMP    FIP    FAP    MA    SDA    CDC.


**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.         did not act properly.

Accordingly, the Department's  AMP    FIP    FAP    MA    SDA    CDC decision is  AFFIRMED    REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING DATE OF THIS DECISION AND ORDER:

1. If all other requirements are met, approve Claimant's application for MA disability benefits, retroactive benefits retroactive to February 1, 2012, and SDA benefits.
2. Notify the Personal Representative in writing of the Department's action in this case.
3. All steps shall be taken in accordance with Department policy and procedure.

  
\_\_\_\_\_  
Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 19, 2013

Date Mailed: August 20, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

JL/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]