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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-60327 2006; 4003 October 10, 2013 Tuscola
ADMINISTRATIVE LAW JUDGE: Carmen G. Fah	ie	
HEARING DECIS	<u>ION</u>	
Following Claimant's request for a hearing, this Administrative Law Judge pursuant to MCL 400.9 at 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.0 notice, a telephone hearing was held on Thursday Michigan. Participants on behalf of Claimant inclusion. The Claimant's Authorized Represent Participants on behalf of the Department of Hundsheila Hoard, ES.	and 400.37; 7 CF 33; and 45 CFR ay, October 10, 2 ded the Claiman tative	R 273.15 to 273.18; 205.10. After due 2013, from Lansing, it, and her husband, was not present.
ISSUE		
Due to a failure to comply with the verification requirements, did the Department properly \boxtimes deny Claimant's application \square close Claimant's case \square reduce Claimant's benefits for:		
☐ Food Assistance Program (FAP)? ☐ S		ogram (AMP)? ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based upon the competent, material, and substantia evidence on the whole record, including testimony of witnesses, finds as material fact:		
Claimant ⊠ applied for ☐ received: ☐FIP ☐FAP ☑MA ☐ AMP ☑SDA benefits.	A □CDC	

Claimant was required to submit requested verification by April 26, 2013.

2.

 On May 1, 2013, the Department ☑ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits. 		
 On May 1, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action. 		
 On July 24, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action. 		
CONCLUSIONS OF LAW		
Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).		
☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.		
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] s established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and s implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP oursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.		
∑ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family ndependence Agency) administers the MA program pursuant to MCL 400.10 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.		
∑ The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.31513180.		

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE
and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the
Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q
and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pl
104-193. The program is implemented by 45 CFR 98.1-99.33. The Department
administers the program pursuant to MCL 400.10 and provides services to adults and
children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.50015020.

Additionally, the Claimant applied for MA and SDA benefits on April 9, 2013 with a retroactive MA application to January 2013. On April 16, 2013, the Department Caseworker sent the Claimant a Verification Checklist, DHS-3503 that was due on April 26, 2013. Department Exhibit 4-5. The Claimant failed to submit Medical Exam Report, but did submit other medical records, by the due date. On May 1, 2013, the Department Caseworker denied the Claimant's Application. BAM 110, 115, and 815. BEM 260.

This Administrative Law Judge finds that the Department did not properly deny the Claimant's application because she did submit medical records in a timely manner. Any medical records that the Claimant submits must be sent to the Medical Review Team (MRT) for consideration. If the MRT finds the objective medical records insufficient, then they will request additional medical records.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any finds that the Department

acted in accordance with Department policy when it

did not act in accordance with Department policy when it failed to submit the Claimant's medical records to MRT as is required in policy.

failed to satisfy its burden of showing that it acted in accordance with Department policy when it

DECISION AND ORDER

□ AFFIRMED.
☑ REVERSED.
□ AFFIRMED IN PART with respect to and REVERSED IN PART with respect to
to .

Accordingly, the Department's decision is

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a review of the application for MA, SDA, and Retro MA dated April 09, 2013, if not done previously, to determine Claimant's non-medical eligibility.

2. The Department shall inform Claimant of the determination in writing. A review of this case shall be set for October 2014.

/s/

Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>10/28/2013</u>

Date Mailed: <u>10/28/2013</u>

NOTICE OF APPEAL: 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.

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).

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

2013-60327/CGF

CGF/pw

