

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201368675
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 22, 2013
County: Macomb

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 22, 2013, from Lansing, Michigan. Claimant and her friend C. Burnett appeared and testified. Participants on behalf of the Department of Human Services (Department) included ES Posie, Child Support Lead Worker [REDACTED], and Assistant Prosecuting Attorney [REDACTED]. During this hearing it was determined there was no jurisdiction to review issues about Claimant's Food Assistance Program (FAP) closure in 2012. The Food Assistance Program (FAP) portion of this request is dismissed.

ISSUE

Did the Department properly deny Claimant's July 2012, application for Medical Assistance (MA) benefits?

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 November 18, 2010, Claimant was placed in non-compliance with the Office of Child Support for failure to attend meetings with the Prosecuting Attorney's office with regard to her child [REDACTED].
2. On August 31, 2011, Claimant was placed in non-compliance with the Office of Child Support for failure to attend meetings with the Prosecuting Attorney's office with regard to her child [REDACTED].
3. In July 2012, Claimant applied for Medical Assistance (MA) benefits.

4. On September 6, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated that she was denied Medical Assistance (MA) benefits from July 1-31, 2012.
5. On September 12, 2013, Claimant submitted a request for hearing.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

During this hearing no evidence was submitted by the Department regarding a July 2012 application for Adult Medical Program (AMP) benefits. In the absence of evidence showing Claimant received written notice of that denial before September 2013; it is assumed her first notice of the July 2012 denial was in September 2013. That makes her request for hearing within 90 days of the notice and jurisdiction is established to review the July 2012, denial.

During this hearing APR [REDACTED] testified that Claimant: was sent notices of meeting on June 4, 2010, and August 17, 2010, regarding [REDACTED] paternity; was sent notices of meeting on June 9, 2011, and August 30, 2011, regarding Shamica Reeves paternity; and never met with anyone from the Prosecutor's Office regarding either case. Claimant testified that she; received the notices for meetings in 2010; did not receive the notices for meetings in 2011; and never met with anyone from the Prosecutor's Office regarding either case. In accordance with the Department of Human Services Michigan I V-D Child Support Manual, failure to meet with the Prosecuting Attorney's Office is non-cooperation. Department of Human Services Bridges Eligibility Manual (BEM) 225 Child Support (2011) page states that failure to cooperate with the Office of Child Support disqualifies an applicant from eligibility for Medical Assistance (MA).

A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 denied Claimant's July 2012 application for Medical Assistance (MA).

DECISION AND ORDER

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

/s/

Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/22/2013

Date Mailed: 10/23/2013

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.

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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

GFH/sw

cc:

