

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20141962
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 26, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 November 26, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] of L & S Associates, as authorized hearings representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's application for assistance?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted an application for assistance on December 3, 2010.
2. The Department's determinations on this application were reversed by the Michigan Administrative Hearing System (MAHS) in a decision and order signed on January 24, 2013.
3. The Claimant submitted an application for benefits signed on January 31, 2013.
4. On February 7, 2013, the Department denied the Claimant's January 31, 2013, application for failure to verify countable assets.

5. The Department re-opened its eligibility determination on the January 31, 2013, application, and on April 24, 2013, the Department issued a Verification Checklist (DHS-3503) requesting verification of assets.
6. The Department received the Claimant's request for a hearing on September 19, 2013, protesting the failure to process the Claimant's February 7, 2013, application for benefits.

CONCLUSIONS OF LAW

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 Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Claimant submitted an application for assistance on December 3, 2010. The Department's determinations on this application were reversed by the Michigan Administrative Hearing System (MAHS) in a decision and order signed on January 24, 2013.

This Administrative Law Judge finds that there is no jurisdiction to re-open the issues addressed by the January 24, 2013, decision and order. Therefore, the Claimant's hearing request with respect to the December 3, 2010, application for assistance is dismissed.

The Claimant submitted an application for benefits signed on January 31, 2013. On February 7, the Department denied the Claimant's application for benefits for failure to verify countable assets.

The Department's representative testified that the Claimant's eligibility determination on the January 31, 2013, application for assistance was re-opened, and the Department sent the Claimant a Verification Checklist (DHS-3503) on April 24, 2013.

The Department did not dispute that a second Notice of Case Action was not sent the Claimant or her representative providing notice of the Department's revised eligibility determination.

Since the Department has not sent the Claimant notification of a final determination of eligibility for benefits based on the application signed on January 31, 2013, this Administrative Law Judge finds that the Department has failed to properly process this application for benefits.

DECISION AND ORDER

The Claimant's hearing request is DISMISSED with respect to the December 3, 2010, application for benefits because it is not within the jurisdiction of this Administrative Law Judge to hear or decide an issue already settled by a previous hearing.

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 did not act in accordance with Department policy when it processed the Claimant's application for benefits that was signed on January 31, 2013.

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

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. Reprocess the Claimant's application for assistance that was signed on January 31, 2013, in accordance with Department policy.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/27/2013

Date Mailed: 11/27/2013

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.

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

KS/sw

cc:

