

4. The Department did not issue a new Notice of Case Action.
5. On August 21, 2013, Claimant requested a hearing concerning 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

In the present case, On November 16, 2012, Claimant applied for MA, and designated IMN as her AR. On February 13, 2013, the Department issued a Notice of Case Action, denying Claimant's application. At the hearing, the Department did not prove that it issued the Notice of Case Action to Claimant's AR at the same time it issued the Notice of Case Action to Claimant. In addition, on March 26, 2013, the Department issued an Appointment Notice, instructing Claimant to bring 2011 and 2012 personal and business taxes to the appointment. The Department representative at the hearing conceded that the Appointment Notice pertained to the November 16, 2012 application. The Department did not issue a new Notice of Case Action. On August 21, 2013, Claimant requested a hearing concerning the Department's action.

First, it is found that Claimant requested a hearing in a timely manner, as the Department did not prove that it issued the Notice of Case Action of February 2013 to Claimant's AR at the same time it issued the Notice of Case Action to Claimant. BAM 110 instructs that the AR assumes all responsibilities of the client, so the Department was required to send proper notice to the AR.

Second, the Department in effect reinstated the application of November 16, 2012, by issuing an Appointment Notice for April 3, 2013, and stating that if verification was not provided, Claimant's application for assistance "will be denied." (Exhibit 4) The Department then informally denied Claimant's application by e-mail, but a Notice of Case Action was not issued. BAM 220 requires a written notice to be sent to the client when a denial of an application takes place. In addition, BAM 220 requires that a notice of case action must specify the following:

- The action(s) being taken by the department.

- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested.

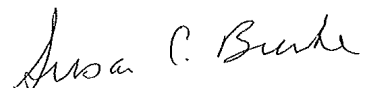
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it did not issue a new Notice of Case Action after it reinstated Claimant's MA application.

DECISION AND ORDER

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. Reinstate Claimant's application for MA dated November 16, 2012, if the Department has not already done so.
2. Reprocess Claimant's application for MA dated November 16, 2012.
3. Issue a new Notice of Case Action specifying the Department's determination of eligibility with respect to Claimant's application for MA dated November 16, 2012.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 20, 2013

Date Mailed: December 26, 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

SCB/tm

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