

- Family Independence Program (FIP).
- Food Assistance Program (FAP).
- X Medical Assistance (MA).
- Adult Medical Assistance (AMP).
- State Disability Assistance (SDA).
- Child Development and Care (CDC).

2. The Department failed to act on Claimant’s May 17, 2012 application.
3. On October 29, 2012, Claimant filed a hearing request, protesting the X Department’s failure to act on his MA 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).

X 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.

Additionally, Bridges Administrative Manual (BAM) 105, “Rights and Responsibilities,” requires the Department to perform three tasks: determine eligibility, provide benefits and protect client rights. In this case, although there is ample proof that an application was filed, there is nothing to establish that the Department took any action with regard to this application. It is found and concluded that this constitutes a failure to protect the Claimant’s right to apply for and be considered for benefits. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013).

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 by its failure to act,

- properly denied Claimant’s application X improperly denied Claimant’s application
- properly closed Claimant’s case improperly closed Claimant’s case

for: AMP FIP FAP X MA SDA CDC.

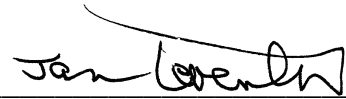
DECISION AND ORDER

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. X did not act properly.

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

X THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate/register Claimant's May 17, 2012 MA and retroactive MA application.
2. Process Claimant's application to determine eligibility.
3. Provide MA and retroactive MA benefits (to February, 2012) to Claimant at the benefit level to which he is entitled.
4. 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: June 5, 2013

Date Mailed: June 6, 2013

NOTICE: 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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

2013-10061/JL

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/tm

cc: [REDACTED]
[REDACTED]
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