

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-21983
Issue No.: 2009
Case No.: ██████████
Hearing Date: April 11, 2013
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

DECISION AND ORDER


This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, an in-person hearing was held in Pontiac, Michigan on April 11, 2013. The Claimant is deceased as of ██████████ and thus did not appear. Participants on behalf of the Claimant included ██████████, the Claimant's spouse. ██████████, the Claimant's Authorized Hearing Representative, also appeared. ██████████, ES, appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Claimant's Authorized Hearing Representative and Claimant's Spouse Representative waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On August 13, 2013, this office received the SHRT determination which approved the Claimant for Medical Assistance based on disability ("MA-P") effective May 2012.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant is not disabled is not upheld and is REVERSED as the State Hearing Review Team has determined the Claimant is disabled effective May 2012.
2. The Department shall initiate processing of the Claimant's application for MA-P dated August 10, 2012 and any retro months (May 2012) July 22, 2012 to determine if all other non-medical criteria are met pursuant to Department policy based on the SHRT determination.

3. The Department shall notify the Claimant's Authorized Hearing Representative and Personal Representative (spouse) of the determination in accordance with Department policy.
4. As the Claimant is deceased as of [REDACTED] no review by the Department of the Claimant's continued eligibility in accordance with Department policy will be required.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2013

Date Mailed: August 20, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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:

2013-21983/LMF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]