

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

IN THE MATTER OF:

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

Reg No.: 2013-31677
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 5, 2013
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, August 5, 2013. Claimant did not appear; however, his Authorized Hearing Representative, [REDACTED] of [REDACTED]. ("AHR"), appeared on her behalf. Participating on behalf of the Department of Human Services ("Department") was [REDACTED]

ISSUE

Did the Department properly process Claimant's September 24, 2012 application for Medical Assistance ("MA") benefits retroactive to August 2012?

FINDINGS OF FACT

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

1. Claimant and his children received MA benefits through the Low Income Family ("LIF") program.
2. Claimant's spouse was not a MA recipient.
3. On September 24, 2012, the Department received an application for MA benefits, retroactive to August 2012, from Claimant's Authorized Hearing Representative ("AHR") on behalf of the spouse. (Exhibit 1)

4. The September application was not registered and/or processed.
5. On February 14, 2013, the Department received the AHR's written request for hearing protesting the failure of the Department to process the September 24, 2012 application, retroactive to August 2012.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

Application for MA benefits may be made on behalf of a client by the spouse, parent, legal guardian, adult child, stepchild, specified relative, or any other person provided the person is at least age 18 or married. BAM 110 (May 2012), p. 8. If the person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative, the person must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s), or legal guardian. BAM 110, p. 9. Any person, regardless of age, or his AR, may apply for assistance. BAM 110, p. 4. An AR is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110, p. 7. For MA purposes, an AR must be an adult child or stepchild; a specified relative; designated in writing by the client; court appointed; or a representative of an institution (such as jail or prison) where the client is in custody. BAM 110, p. 9.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In this case, an application was submitted to the Department on September 24, 2012 by the AHR seeking MA coverage from August 2012 on behalf of Claimant's spouse. The application was not registered or processed. During the hearing, the Department agreed to register and process the September 24, 2012 application. The AHR was amenable to this resolution. As such, there was no further issue to address.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding the Request for Hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Register and initiate processing of the September 24, 2012 MA application, retroactive to August 2012, in accordance with Department policy.
2. Notify Claimant and the AHR of the determination in accordance with Department policy.
3. Supplement for lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified and in accordance with Department policy.


Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 8, 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 effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

2013-31677/CMM

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

CMM/tm

cc:

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