

eligible and qualified based upon the July 21, 2011 application.

2. On December 7, 2012, Claimant's representative filed a hearing request indicating the Department had not complied with the ALJ's Decision and Order issued on July 26, 2012.

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 instant case, a prior hearing was held on July 18, 2012, regarding the processing of an application dated July 21, 2011. On July 26, 2012, the ALJ issued a Decision and Order finding the Department had not properly processed the application. The ALJ ordered the Department to register and process the application. The Department records indicate actions were initiated on July 22, 2012, prior to the Decision and Order. The Department had not processed this application as ordered within the 10 days as directed. On December 7, 2012, Claimant's representative requested a hearing indicating the Department had not complied with the ALJ's Decision and Order.

The Department at hearing presented evidence that they attempted to process the application following Claimant's hearing request on July 22, 2013. These actions were following the hearing request and, therefore, cannot be considered in this hearing decision other than to demonstrate the Department had not complied with the original Decision and Order by the date Claimant filed a hearing request.

Based upon the above, this Administrative Law Judge finds the Department failed to comply with the Decision and Order issued on July 26, 2012.

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. The Department shall register and process the Claimant's July 21, 2011 application, retroactive to April 2011, in accordance with Department policy.
2. The Department shall notify the Claimant and his Authorized Hearing Representative of the determination in accordance with Department policy.
3. The Department shall supplement for loss of benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified based upon the July 21, 2011, application.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 24, 2014

Date Mailed: February 24, 2014

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:

2013-25166/JWO

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

JWO/pf

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