

**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.: 2014-13313
Issue No(s): 2001
Case No.: ██████████
Hearing Date: February 10, 2014
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on February 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's ██████████
██████████ Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On June 19, 2013 a request for MA benefits was submitted to the Department.
2. On November 15, 2013 the Department issued a case action notice denying Adult Medical Program (AMP) benefits based on the program being closed.
3. On November 6, 2013, Claimant's representative filed a hearing request.

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, Claimant's representative submitted an application for MA benefits on June 19, 2013, which also included a request for retro MA back to March 2013. Claimant's representative filed a hearing request on November 6, 2013, to prompt processing of this application. The Department issued a notice of case action on November 15, 2013, denying Claimant AMP benefits based upon the program being closed. The Department, in this same case action, indicated Claimant was not a caretaker relative, aged or disabled.

At hearing, Claimant's representative indicated originally the belief was that Claimant was a caretaker relative of a child in March 2013. However, Claimant did not have a child in her home until April 2013. Therefore, Claimant's representative acknowledged Claimant was not eligible for MA benefits based upon a caretaker relative status in March 2013. Further, they acknowledged Claimant's application for MA benefits was submitted after the AMP program open enrollment period had closed. Claimant testified she was not disabled and she had no outstanding medical bills for the months of April or May 2013. However, Claimant did want to have MA benefits going forward from the application date.

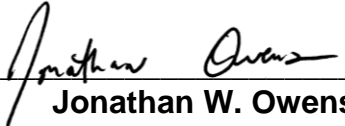
After reviewing the evidence and testimony, this Administrative Law Judge finds the Department correctly determined Claimant was not eligible for MA or AMP benefits for the month of March 2013. However, the application submitted did indicate a child was in the home. The Department should have considered MA benefits for a caretaker relative based upon the foster placement in April 2013. Therefore, the Department did not process the application submitted on June 19, 2013, in accordance with policy.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to the month of March 2013 and REVERSED IN PART with respect to the months of April 2013 forward.

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. Initiate processing of Claimant's June 19, 2013, application for MA with the request for retro back to April 2013;
2. Award MA benefits in accordance with policy if otherwise eligible.



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

Date Signed: February 12, 2014

Date Mailed: February 12, 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:

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

JWO/pf

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