

**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.: 2014-24323
Issue No.: 2010
Case No.: ██████████
Hearing Date: May 14, 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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on May 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████.

ISSUE

Whether the Department properly denied Claimant's application for Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

1. On July 16, 2013, Claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA).
2. On September 17, 2013, the Department issued a case action notice denying the AMP program.
3. On November 10, 2013, Claimant's attorney filed a hearing request by fax. The request for hearing protested the MA denial and SDA denial.
4. On December 3, 2013, the Department received a copy of the hearing request.

5. On December 15, 2013, the Medical Review Team (MRT) denied Claimant's request.
6. On December 18, 2013, the Department issued a notice of case action denying Claimant's request for MA and SDA benefits. This notice was only sent to Claimant and not her attorney.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

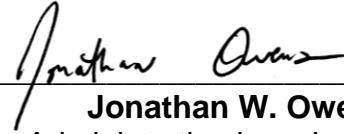
In the instant case the Claimant applied for MA and SDA benefits. The Department issued a notice of case action on September 17, 2013, indicating Claimant was denied the AMP program benefits as the program was currently frozen. The Department continued to process Claimant's request for MA and SDA benefits. Claimant's attorney filed a request for hearing protesting the denial of MA and SDA benefits on November 10, 2013.

The Department testified the only action taken prior to the hearing request was the denial of the AMP benefits. Claimant's attorney stipulated the denial of AMP benefits was appropriate. He, however, still wished to challenge the MA and SDA denial based upon the MRT decision. The Department acknowledged that the MRT rendered a decision on December 15, 2014. The Department further acknowledged they sent a notice of case action regarding the MA and SDA denial to Claimant only on December 18, 2013. The Department testified no notice was sent to Claimant's attorney.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's request for AMP benefits. Claimant's attorney was instructed to file a request for hearing to protest the subsequent case action dated December 18, 2013, denying the MA and SDA benefits if he wanted to challenge that decision.

DECISION AND ORDER

Accordingly, the Department's decision regarding AMP benefits is AFFIRMED.



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

Date Signed: May 15, 2014

Date Mailed: May 15, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

2014-24323/JWO

cc:

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