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

DEPARTMENT OF HUMAN SERVICES		
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2014-30193 2001; April 23, 2014 Wayne (82)
ADMINISTRATIVE LAW JUDGE: Robert J. Chavez		
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, a telephone hearing was held on April 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included  Participants on behalf of the Department of Human Services (Department) included		
<u>ISSUE</u>		
Did the Department properly ⊠ process Claima case ☐ calculate Claimant's allotment for:	nt's application	Close Claimant's
☐ Food Assistance Program (FAP)? ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐		
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material face		rial, and substantial
<ol> <li>Claimant ⊠ applied for □ received:</li> </ol>	_	_

☐ FIP ☐ FAP ☐ MA ☐ AMP ☐ SDA ☐ CDC ☐ DSS ☐ SSP

benefits.

2.	On July 31, 2013, issued an administrative Decision and Order ordering the Department to process Claimant's application closed Claimant's case changed Claimant's benefit allotment.
3.	The application in question was not processed.
4.	On February 25, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.
	CONCLUSIONS OF LAW
Adm	artment policies are contained in the Department of Human Services Bridges ninistrative Manual (BAM), Department of Human Services Bridges Eligibility Manual M), and Department of Human Services Reference Tables Manual (RFT).
Sec 1008 Inde	The Medical Assistance (MA) program is established by the Title XIX of the Social urity Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 8.59. The Department of Human Services (formerly known as the Family ependence Agency) administers the MA program pursuant to MCL 400.10 and MCL 105.
Act, Fam	The State Disability Assistance (SDA) program is established by the Social Welfare MCL 400.1119b. The Department of Human Services (formerly known as the hily Independence Agency) administers the SDA program pursuant to MCL 400.10 Mich Admin Code, R 400.31513180.
affirı	r opening the record, the Department admitted error in the current case, and stated matively that steps were required to correct the action taken with regards to mant's benefit case. Therefore, no other findings are necessary.
2012 curre	ne current case, the Department testified that it must process claimant's August, 2 MA-P application in order to correct the action take with regard to claimant's ent benefits case. The Administrative Law Judge therefore holds that the artment must take the action stated.
	Administrative Law Judge, based upon the above Findings of Fact and Conclusions aw, and for the reasons stated on the record, if any, finds that the Department
$\boxtimes$ c	ncted in accordance with Department policy when it .  Iid not act in accordance with Department policy when it failed to comply with ALJ nelka's D&O and failed to process claimant's August, 2012 MA-P application.

## **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. Comply with July 31, 2013 D&O and process claimant's August, 2012 application for MA-P.

Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 2, 2014

Date Mailed: May 2, 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

## RJC/tm

