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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	13-000221 2001 August 11, 2014 WAYNE-35 (REDFORD)
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 August 11, 2014, from Redford, Michigan. Participants on behalf of Claimant included AHR, Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator.		
<u>ISSUE</u>		
Did the Department properly $\boxtimes$ deny Claimant's application $\square$ close Claimant's case $\square$ calculate Claimant's allotment for:		
<ul> <li>☐ Family Independence Program (FIP)?</li> <li>☐ Food Assistance Program (FAP)?</li> <li>☐ Medical Assistance (MA)?</li> <li>☐ Adult Medical Assistance (AMP)?</li> </ul>	<ul><li>☐ State Disability Assistance (SDA)?</li><li>☐ Child Dev. and Care (CDC)?</li><li>☐ Direct Support Services (DSS)?</li><li>☐ State SSI Payments (SSP)?</li></ul>	
FINDINGS OF FACT		
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:		
Claimant ⊠ applied for ☐ received: ☐ FIP ☐ FAP ☑ MA ☐ AMP ☐ September 1.  benefits.	SDA CDC	□ DSS □ SSP
2. On May 25, 2012, the Department ⊠ denied Claimant's application		

- 3. The Department failed to send a notice of case action to the claimant's AHR.
- 4. On February 19, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

## **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), and Department of Human Services Reference Tables Manual (RFT).

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.

After opening the record, the Department admitted error in the current case, and stated affirmatively that steps were required to correct the action taken with regards to claimant's benefit case. Therefore, no other findings are necessary.

In the current case, the Department testified that it must send claimant and claimant's AHR a notice of case action in order to correct the action take with regard to claimant's current benefits case. The Administrative Law Judge therefore holds that the Department must take the action stated.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

🖂 did not act in accordance with Department policy when it denied claimant's application without filing a notice of case action.

## **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. Reprocess claimant's May 25, 2012 application denial and send appropriate case action notices.

2. Claimant's rights of hearing with regard to this Department action are preserved, provided a hearing request is made within a timely fashion upon receipt of the notice of case action, as prescribed by BAM 600.

Robert J. Chavez

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: 9/8/2014

Date Mailed: 9/8/2014

RJC / tm

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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

