

off in person by Claimant's cousin. The documents were delivered to the Department before the verification due date.

4. Claimant requested a hearing on October 30, 2013, protesting the denial of her application for MA and sought a hearing on Family Independence Program (FIP) cash assistance.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

Additionally, in this case, the evidence produced by the Department indicated that the Department denied Claimant's application for MA for two reasons, failure to verify medical information and that she was not disabled. The Department did not present a verification checklist or indicate a due date. Claimant's witness, who assisted Claimant with the application, testified credibly that he dropped a medical packet, including a doctor's note, at the Department's drop box before the due date. Based upon this testimony, the Department should not have denied the application, as verification was provided. In addition, it is determined that the Department knew that Claimant was disabled or it would not have said she failed to provide medical information of disability and should have processed the application accordingly, even though the application did not indicate that Claimant was disabled. BAM 130 (July 1, 2013).

The Department did not present the entire online application as part of the hearing packet, so it could not be determined if the application included a request for cash assistance. Claimant also requested a hearing regarding FIP cash assistance. The Department was unprepared to respond to the hearing request regarding FIP cash assistance benefits and, thus, the Department failed to meet its burden of proof with regard to the request for hearing. The Department did not have the case file at the hearing and, thus, could not respond to the issue regarding the cash assistance or whether a medical verification packet was sent or provided to Claimant. .

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

- did not act in accordance with Department policy when it denied the Claimant's application for MA –P for failure to complete a disability determination.
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it could not respond to Claimant's request for hearing regarding FIP benefits. .

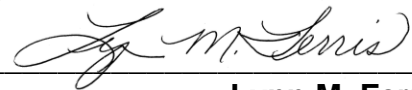
DECISION AND ORDER

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 re-register Claimant's October 2013 application which shall be considered an application for Medical Assistance based upon disability and shall send Claimant another Medical Pack to be completed by Claimant's doctor.
2. The Department shall also determine and consider the October 2013 application to include a request for cash assistance and shall process the application in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2014

Date Mailed: February 13, 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

LMF/pf

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