

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201429738  
Issue No.: 2004  
Case No.: [REDACTED]  
Hearing Date: April 14, 2014  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], hearing facilitator.

**ISSUE**

Did the Department properly process the November 29, 2012 Hearing Decision of the Administrative Law Judge (ALJ) ordering the Department to reinstate Claimant's Medical Assistance (MA) case?

**FINDINGS OF FACT**

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

1. A hearing was held on September 24, 2012 in response to Claimant's AHR May 16, 2012 request for hearing concerning Claimant's MA case.
2. In a Hearing Decision issued on November 29, 2012, the presiding ALJ found that the Department sent Claimant a notice that her MA was to close on April 1, 2012, but that the Department had failed to substantiate closure of the case due to child support noncooperation.

3. The ALJ concluded that the Department did not act properly when it closed Claimant's MA case and ordered the Department to "initiate reinstatement of [C]laimant's MA back to the date of its closure."
4. Neither Claimant nor the AHR requested a rehearing or reconsideration of the ALJ's Hearing Decision.
5. On February 21, 2014, the AHR requested a hearing to prompt the Department to comply with the ALJ's November 29, 2012 Hearing Decision.

### **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.

Additionally, the Department is required to implement a decision and order within 10 calendar days of the mailing date of the hearing decision. Because the hearing decision serves as the notice, the Department is not required to send a notice of case action. BAM 600 (October 2012), p. 34; BAM 600 (March 2014), p. 42.

In this case, in his November 29, 2012 Hearing Decision, the ALJ found that Claimant was notified that her MA case would close effective April 1, 2012. Because the Department improperly closed Claimant's case for noncooperation with child support, the ALJ ordered the Department to "[i]nitiate reinstatement of [C]laimant's MA back to the date of its closure." The Department established, and the AHR acknowledged, that the Department had activated Claimant's MA coverage effective April 1, 2012. Therefore, the Department complied with the terms of the ALJ's Hearing Decision.

At the hearing, the AHR contended that its May 16, 2012 hearing request sought to prompt the Department to reprocess a January 27, 2012, application with request for retroactive coverage to October 2011 and that the ALJ decision required the Department to reregister and process the application. However, the ALJ Hearing Decision clearly ordered the Department to reinstate Claimant's MA coverage from the closure date, which was identified as May 1, 2012. If the AHR believed that the ALJ failed to address in the Hearing Decision relevant issues raised in its hearing request, the AHR's remedy was to request a rehearing or reconsideration. BAM 600 (October 2012), p. 34; BAM 600 (March 2014), p. 44. The AHR conceded that no rehearing or

reconsideration of the ALJ's November 29, 2012 Hearing Decision was requested. See BAM 600 (October 2012), p. 35; BAM 600 (March 2014), p. 47.

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 implemented the November 29, 2012 Hearing Decision.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 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:

2014-29738/ACE

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

ACE/tlf

cc:

