

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

IN THE MATTER OF:

██████████
██████████
██████████

MAHS Reg. No.: 15-014965
Issue No.: 2001;3001
Agency Case No.: ██████████
Hearing Date: October 14, 2015
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 14, 2015, from Detroit, Michigan. The Petitioner was represented by AHR ██████████ ██████████. The Department was represented by ██████████, Family Independence Manager, and ██████████ Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's June 1, 2015 application for MA benefits and process Petitioner's August, 2015 application for MA benefits?

FINDINGS OF FACT

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

1. Petitioner applied for MA benefits in June, 2015 and August, 2015.
2. The application for August, 2015 was not processed correctly.
3. The Department admitted on the record that coverage was not processed correctly.
4. Petitioner requested a hearing on August 12, 2015.
5. Petitioner stated that they had no other grievances.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Health and Human Services (formerly known as the Department of Human Services) 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 Petitioner's benefit case. Therefore, no other findings are necessary.

In the current case, the Department testified that it will accept Petitioner's August, 2015 application for MA benefits and process that application as soon as possible. The Department also agreed to process Petitioner's retroactive MA application to May, 2015, in order to correct the action taken with regard to Petitioner's current benefits case. The Administrative Law Judge therefore holds that the Department must take the action stated.

Petitioner stated on the record that the June 1, 2015 application was properly denied, and furthermore, had no other grievances (including a food stamp issue from June, 2015), provided the August, 2015 MA application was processed.

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 failed to process correctly Petitioner's August, 2015, MA application. The Department properly processed Petitioner's June, 2015 MA application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED in PART and AFFIRMED in PART.

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:

Process Petitioner's August, 2015 MA application with retroactive MA to May, 2015.



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/4/2015**

Date Mailed: **11/4/2015**

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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

