

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-29992

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 9, 2010

Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 9, 2010. Claimant did not appear but Claimant's authorized hearing representative participated.

ISSUE

Did the Department of Human Services properly deny Claimant Medical Assistance (MA) benefits for July 2008?

FINDINGS OF FACT

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

(1) On July 11, 2008, Claimant was hospitalized. Claimant was in the hospital until July 19, 2008. The total charges for the hospital stay were [REDACTED].

(2) On October 29, 2008, [REDACTED] submitted an application for Medical

Assistance (MA) on Claimant's behalf. The application included a request for retroactive coverage of July, August, and September 2008.

(3) On March 6, 2009, [REDACTED] sent numerous medical bills to the Department. Many of the bills show Medicare payments and Medicare adjustments resulting in very little still owed on the bills.

(4) On March 12, 2009, Claimant was approved for Medical Assistance (MA) benefits with a Medicaid deductible case. For the month of July 2008 Claimant's deductible amount was \$ [REDACTED]. The total amounts owed on the July 2008 medical bills submitted equaled [REDACTED] (Page 27)

(5) On March 26, 2009, the Department sent out notice that Claimant was not eligible for Medicaid coverage during the months of July through October 2008.

(6) On April 16, 2009, [REDACTED] sent a Facility Admission Notice and an itemized billing for Claimant's hospitalization between July 11 and 19, 2008 (Pages 67-78) The summary of the itemized billing (Page 78) shows: a total amount billed of [REDACTED] 4; an 8/13 Medicare payment of [REDACTED]; and 8/13 Medicare adjustment of [REDACTED] total payments and adjustments of \$ [REDACTED]; and an amount due of [REDACTED].

(7) On June 18, 2009, [REDACTED] submitted a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant's authorized hearing representative does not dispute the amount of Claimant's deductible amount, only the eligibility determination for July 2008. Regarding the summary of the itemized bill submitted to the Department, the authorized hearing representative stated they did not know if that was correct. The authorized hearing representative requested the record be left open so they could check to see if the listed Medicare payments and adjustments were valid. The Department representative objected to the record being left open. The request to keep the record open was denied.

Guidance on dealing with motions to leave the record open are contained in Administrative Rule 400.915.

R 400.915 Adjournments; continuances.

Rule 915. An adjournment or continuance may be granted by an administrative law judge for good cause. Good cause includes the absence of material witnesses or relevant and necessary evidence.

The evidence was hospital accounting information as of April 2009, submitted by the authorized hearing representative as proof of Claimant's unpaid medical bill from his hospitalization during the month of July 2008. In this case the authorized hearing representative is a professional legal organization run by licensed attorneys. The evidence was submitted in April 2009 and the authorized hearing representative has had possession of the evidence in their file since at least that date. This hearing was noticed and the authorized hearing representative had ample opportunity prior to this hearing to review the evidence they had submitted. There is absolutely no good cause to be found in circumstances where a party requests to leave the record open, based on the assertion of ignorance regarding evidence submitted by that party and in that party's possession prior to the hearing.

Evidence in the record of Claimant's unpaid medical bills for July 2008 totals \$ [REDACTED]. Claimant was not eligible for Medical Assistance (MA) during July 2008 because he did not meet his deductible amount of \$ [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant Medical Assistance (MA) benefits for July 2008.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

_____/s/_____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 13, 2010

Date Mailed: April 13, 2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH/alc

cc:

[REDACTED]