

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.: 2009-36772
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 28, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on August 5, 2009. After due notice, a hearing was conducted from Taylor, Michigan on October 28, 2009. The Claimant's authorized representative, [REDACTED] of [REDACTED], [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly converted the Claimant's Adult Medical Program ("AMP") to a disability related Medical Assistance ("MA-P") case based upon the favorable Social Security Administration's determination?

FINDINGS OF FACT

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

1. On January 14, 2009, the Claimant submitted an application for Medical Assistance benefits retroactive from October of 2008.

2. On February 2, 2009, the Claimant was approved for Medical Assistance based on disability. (Exhibit 1, pp. 8, 9, 15, 16)
3. The Claimant was previously covered under the Adult Medical Program. (Exhibit 1, pp. 4, 11 – 14)
4. As of this date, the Department has not converted the Claimant's medical coverage to the MA-P program. (Exhibit 2)
5. The Claimant, through his authorized representative, continued to monitor whether or not the conversion was completed. (Exhibit 1, pp. 5, 6)
6. On August 5, 2009, the Department received the Claimant's timely written 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, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related

category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

In the record presented, the Claimant was found disabled by the Social Security Administration thus was entitled to MA-P benefits (providing all other eligibility factors were met). The Claimant's case was never switch to the correct Medical Assistance program resulting in previously approved hospitalization bills not getting paid. The Department acknowledged that the MA-P case should have been opened based upon the January 14, 2009 application and the favorable SSA determination. As a result of the inaction, the Claimant filed a hearing request. The hearing request is found timely in that the Department continually failed to properly process the Claimant's case under the correct program. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Claimant's hearing request is timely.
2. The Department's determination is REVERSED.
3. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based upon the favorable SSA determination effective October 2008.
4. The Department shall issue a billing exception for the previously approved October 2008 hospitalization in light of the lapse of time in accordance with policy.

5. The Department shall supplement for any lost benefits the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/05/09

Date Mailed: 11/05/09

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 receipt 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.

CMM/jlg

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