

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER:

[REDACTED]

Reg No. 201028766
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 28, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 28, 2010. Claimant was represented by [REDACTED].

ISSUE

Whether the Department of Human Services properly determined claimant's eligibility for Medical Assistance (MA)

FINDINGS OF FACT

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

1. During February 2009, claimant's assistance was due for review. Review documents were sent to claimant's representative. The department does not have a record of said documents being returned. Department Exhibit A, pgs 1-6.

2. Claimant's assistance terminated effective October 2009. During November 2009, claimant's representative reapplied. Claimant's Medical Assistance began effective November 2009. Department Exhibit A, pgs 1-6.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The DHS-3243, Retroactive Medicaid Application, is used along with the DHS-1171 for retro applications. Only one DHS-3243 is needed to apply for one, two, or three retro MA months. Bridges Administrative Manual (BAM) 110; 42 CFR 435.906-908.

Retro MA coverage is available back to the first day of the third calendar month prior to the current application for MA applicant's and persons applying to be added to the group. BAM 115; 42 CFR 431, 435.

In this case, evidence was submitted into the record that a redetermination of claimant's financial eligibility for Medical Assistance was due, checklists were sent, and required paperwork not received by the department. At hearing, claimant's representative credibly testified that she had submitted paperwork to different DHS district offices in a timely manner. Testimony by department representative corroborated the fact that claimant's case was assigned to different districts and different caseworkers improperly. In any case claimant's representative reapplied for Medical Assistance for claimant and was apparently not afforded financial determination for eligibility on the retroactive months prior to the month of application. This process is required by policy and so the department did not properly determine claimant's eligibility for Medical Assistance. Thus, the department's action cannot be upheld. Finding of Fact 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department did not properly determine claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's financial eligibility for Medical Assistance effective the retroactive months prior to the month of application in compliance with department policy and this Decision and Order.

/s/
Jana A. Bachman
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2010

Date Mailed: October 20, 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 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.

JAB/db

cc:

