

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-48725
Issue No: 2015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a three way telephone conference hearing was held on November 18, 2010. The claimant was present with her representative.

ISSUE

Is the claimant eligible for retroactive MA for October 2009?

FINDINGS OF FACT:

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

- (1) The claimant filed a Retroactive.Medicaid Application on November 5, 2009.
- (2) There is no dispute that the Claimant is eligible to receive Retroactive Medicaid for October 2009 (Hearing summary).
- (3) The Agency has not provided the eligible benefits to the Claimant's because of an alleged Bridges computer system error.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (BRM).

The department's manuals provide the following relevant policy statements and instructions for department caseworkers:

**BAM 105
DEPARTMENT
POLICY All Programs**

Clients have rights and responsibilities as specified in this item.
The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

In this case, the Agency agrees that the claimant is entitled to the retroactive medical assistance benefits for October 2009. The Agency has not given the actual benefits to the claimant because of an alleged computer system error.

The Administrative Law Judge, based upon credible, material and substantial evidence, decides Agency has not properly complied with policy and provided the entitled benefits to the claimant because of an alleged computer system error.

Therefore it is **ORDERED** that:

- (1) The Agency take all necessary steps to ensure that claimant is afforded all retroactive MA benefits that she is otherwise entitled to receive, immediately.

/s/ _____
Kandra Robbins
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 23, 2010

Date Mailed: November 24, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

KKR/tg

cc:

