

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201011705
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 5, 2010
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 5, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly failed to process Claimant's eligibility for retroactive medical assistance (MA) benefits due to Claimant's failure to submit medical expenses.

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on 4/23/09 by completing an Assistance Application (DHS-1171).
2. Claimant indicated on her DHS-1171 that she requested MA benefits for 3/2009.
3. DHS mailed Claimant a Verification Checklist requesting proof of Claimant's medical expenses from 3/2009.
4. DHS contended that Claimant failed to respond to the DHS-3503 request and that Claimant's failure to respond is a basis to not process Claimant's eligibility for MA benefits beginning 3/2009.

5. Claimant requested a hearing on 7/27/09 objecting to the DHS failure to evaluate Claimant for MA eligibility in 3/2009.

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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Retro MA coverage is available back to the first day of the third calendar month prior to the current application for MA recipients. BAM 115 at 8. A person might be eligible for one, two or all three retro months, even if not currently eligible. *Id* at 9. The DHS-3243, Retroactive Medicaid Application, is used to apply for retro MA. *Id*.

In the present case, Claimant was seeking MA benefits for the month prior to her application date. Claimant also submitted a DHS-3243 as required by policy. It is not disputed that Claimant properly sought retroactive MA benefits for 3/2009.

DHS contended that Claimant's failure to verify her medical expenses for 3/2009 was a basis to not process Claimant's application. DHS was unable to cite any basis in policy for their decision. The undersigned is not aware of any policy which requires a client to submit proof of medical expenses for retroactive MA eligibility. It is found that DHS improperly failed to evaluate Claimant's eligibility for MA benefits in 3/2009.

This administrative decision does not address whether Claimant is, or is not, eligible for MA benefits in 3/2009. DHS has yet to make that determination. Claimant has the right to request future administrative hearings if Claimant disputes the eligibility determination made by DHS concerning her eligibility for 3/2009 MA benefits.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to evaluate Claimant's eligibility for 3/2009 MA benefits. It is ordered that DHS shall register Claimant's 4/23/09 request for 3/2009 MA benefits. DHS shall process the registration in accordance with its policies.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2010

Date Mailed: August 11, 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.

CG/hw

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