

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: 201133900
Issue No: 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 9, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 December 9, 2010. The Claimant's Authorized Hearings Representative, [REDACTED] appeared and testified. Bernadine Jock ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Medical Assistance eligibility?

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 coverage and was approved in June 2009, with a deductible.
- (2) Claimant's representative was not aware that Claimant was eligible for Medicaid until September 2009.

- (3) Claimant's representative checked repeatedly on the Web Denis computer system regarding Claimant's coverage between June 2009 and August 2009, and the system incorrectly showed no MA coverage.
- (4) Claimant submitted claims September 9, 2009, shortly after becoming aware of MA coverage.
- (5) MA coverage for June 2009 submissions was denied in November 2009 because bills were not submitted timely.
- (6) No formal written denial of MA coverage for the November 2009 denial was presented by the Department at hearing.
- (7) Claimant requested a hearing on March 1, 2010, contesting the processing of MA benefits for June 2009 medical bills.

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 Program Reference Manual (PRM).

Deadlines for Requesting a Hearing All Programs

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. BAM 600

In the present case, Medicaid coverage for June 2009 is in dispute. Claimant's Authorized Hearings Representative argues that computer systems incorrectly indicated

that Claimant had no Medicaid coverage until September 2009 and that is why the June 2009 claim was not submitted until September 9, 2009. Medical bills were submitted to the Department on October 2, 2009, after the claims were denied. Claimant's Representative asserts that the timeliness requirements should not have begun to run until the computer systems informed her that coverage was activated in September 2009. The Department argued that notice of eligibility was sent directly to Claimant in June 2009 and, therefore, bills submitted in October 2009 were outside of 90 days and are untimely.

The determinations made by the Department with regard to the June 2009 coverage were made in November 2009. No formal notice of denial from November 2009 was presented by the Department at hearing. Additionally, Claimant's Representative had ongoing discussions and negotiations with Department after November 2009. Therefore, the March 1, 2010 hearing request is timely.

This Administrative Law Judge agrees with the Claimant's representative that the timeliness standard for submitting bills should not have begun to run until she was correctly informed regarding Claimant's eligibility status. Claimant's representative was not correctly informed of Claimant's eligibility status until September 2009; therefore, the October 2009 submissions were within the 90 day deadline. Therefore, the Department's denial, due to the submissions being more than 90 days from when they were incurred, is improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect in the processing of MA benefits for June 2009. It is ORDERED that the Department's decision is hereby

REVERSED. Claimant's MA benefits shall be reinstated and reprocessed for June 2009.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/21/11

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.

AM/dj

cc:

