

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No: 2010-49095

Issue No: 2000

Case No: ██████████

Load No: ██████████████████

Hearing Date:

December 2, 2010

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on December 2, 2010. Claimant did not appear but was represented by ██████████
██████████.

ISSUE

Did the authorized hearing representative submit this request for hearing within the required time limit?

FINDINGS OF FACT

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

- (1) On September 10, 2009 during an in person interview at the local DHS Office, Claimant reported medical expenses and submitted documentation. The documentation included a bill for MRI services and Pharmacy charges on July 31, 2009. The documentation also included a listing of medication expenses between July 20 and July 28, 2009.
- (2) On October 14, 2009 Claimant signed an ██████████ authorization to represent.
- (3) On October 28, 2009 ██████████ submitted documentation of medical expenses for Claimant beginning July 30. Claimant's October 14, 2009 authorization to represent was also sent in.

- (4) On October 28, 2009 Claimant was sent a Notice of Case Action (DHS-1605) which stated she had met her deductible on July 31, 2009.
- (5) On November 17, 2009 [REDACTED] corresponded with the local office stating that Claimant had coverage for July 31 but the hospitalization began on July 30 and asking if Claimant could have coverage for July 30.
- (6) On December 9, 2009 [REDACTED] again corresponded with the local office asking if Claimant could have coverage for July 30.
- (7) On January 15, 2010 [REDACTED] again corresponded with the local office asking if Claimant could have coverage for July 30.
- (8) On June 24, 2010 [REDACTED] submitted a 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 (DHS or department) 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).

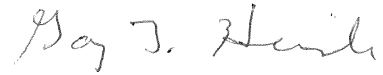
In this case [REDACTED] argues that Claimant's medical expenses for July 30, 2009 should be covered. The Department argues that coverage can not be added for dates prior to the authorization date of July 31. Bridges Eligibility Manual 545 specifically describes the process for addressing expenses reported after coverage was authorized. The evidence submitted also indicates that the Department may have used an incorrect authorization date.

There is however a more important issue that must be decided first. The request for hearing was submitted well past 90 days after the written notice of case action. During the hearing [REDACTED] stated they did not have a copy of the October 28, 2009 notice. The submission by [REDACTED] and the Department's determination occurred on the same day. There is no evidence in the record that shows the Department knew of [REDACTED]' status as authorized hearing representative when the Notice of Case Action (DHS-1605) was sent out. The evidence in this record is insufficient to support a finding that the Department erred by not sending [REDACTED] a copy of the October 28, 2009 Notice of Case Action (DHS-1605). There is evidence in the record that shows [REDACTED] knew the specific determination by at least November 17, 2009. The evidence in this record is insufficient to support a finding that there was any good cause for the delay in submitting the request for hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the authorized hearing representative DID NOT submit this request for hearing within the required time limit so this request for hearing must be dismissed.

It is therefore ORDERED that this request for hearing is dismissed due to the failure to submit within the required 90 day time limit.



Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 6, 2011

Date Mailed: January 10, 2011

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.

GFH/tg

cc:

