

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Issue

[REDACTED]

Case

[REDACTED]

Reg No: 2011 30627

No: 2018

No: [REDACTED]

Hearing Date: June 6, 2011

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 conducted from Detroit, Michigan on June 6, 2011. The Claimant appeared and testified. The Department's representatives, [REDACTED] and [REDACTED], ES appeared and testified on behalf of the Department.

ISSUE

Whether the Notice of Case Action complied with required reasons for the action taken by the Department.

FINDINGS OF FACT

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

1. The Claimant's son was an ongoing recipient of Medical Assistance (MA)(MI healthy kids).
2. A Bridges system error was made on January 22, 2011 when the Bridges system incorrectly sent a notice of case action finding that the Claimant's son was subject to a spend down in the amount of \$1801 effective February 1, 2011. Exhibit 1.

3. The Claimant called the Department on February 28, 2011 when she discovered the problem as her pharmacist determined that her son's medical assistance coverage was not active.
4. The Claimant's caseworker spoke to the Claimant on March 1, 2011 and advised that she would look into the problem and get back with the Claimant. The Department corrected the error on March 9, 2011 and there was no lapse in coverage. Exhibit 2.
5. Unfortunately, due to the Bridges system error, the Claimant had to incur prescription expenses necessary for her son as no coverage was available.
6. The Claimant requested a hearing on February 22, 2011 protesting that he was not eligible for Medical Assistance.

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 Bridges Reference Manual ("PRM").

In this case, the record reveals that the Claimant incurred medical expenses which should have been covered by the medical assistance available to her son but were denied when an error caused a notice of case action to be issued which caused the Claimant's son to have an \$1801 deductible. Unfortunately, the Claimant incurred medical expense when she should not have had to as a result of the error. The Department did fix the error shortly after March 9, 2011 and reinstated full coverage with no deductible and no lapse in coverage. Unfortunately, there is no remedy for this

situation as the Department did fix the error and cannot reimburse medical expenses that have been already paid.

Based upon the foregoing facts and circumstances, the claimant has had the medical coverage for her son restored and there is no further action which is required or can be taken to reimburse the Claimant for medical expenses she incurred. Therefore the Department's correction of the problem is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines that the Department has corrected the incorrect Notice of Case Action dated January 22, 2011 and effectuated full reinstatement of the Claimant's son's medical assistance with no lapse in coverage and thus the Department's action is AFFIRMED.



Lynn M. Ferris

Administrative
for
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: June 14, 2011

Date Mailed: June 14, 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.

LF/cl

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