

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-34629

Issue No: 2012

[REDACTED]

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on April 26, 2011. After due notice, a telephone hearing was held on June 28, 2011. Claimant's authorized representative, [REDACTED], personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Medical Assistance (MA) and Retro MA application?

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 Medicaid on November 9, 2010. (Department Exhibits 1-24).
2. On November 23, 2010, the department mailed Claimant a letter informing her that it ran into some problems with an old child support sanction that appeared to still be on the case. The department instructed Claimant who to contact to get the matter resolved and they in turn would notify the department. (Department Exhibit 18).
3. Claimant submitted a hearing request on April 26, 2011 protesting the denial of her Medicaid and Retro-Medicaid application. (Request for a Hearing).

## CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Reference Tables Manual (RFT).

In this case, Claimant's representative applied for Medicaid and Retro Medicaid on behalf of Claimant on November 9, 2010. According to the departmental representative, the original caseworker mailed out a letter to the Claimant on November 23, 2010, notifying Claimant there was a problem with processing her application because there was a child support sanction that appeared to still be on the case. The letter instructed Claimant who to contact in order to resolve the issue. The caseworker then retired and no follow-up was conducted.

During the hearing, the departmental representative could not say whether Claimant was now in compliance with the Office of Child Support. The departmental representative also admitted that Claimant's authorized representative, L&S Associates, was not notified that Claimant had been disqualified by the department due to a child support sanction until February 24, 2011.

Department policy states that at application, the client has 10 days to cooperate with the Office of Child Support. The department informs the client to contact the Office of Child Support in the verification check list (VCL). The disqualification is imposed if the client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is not a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending. BEM 255.

However in this case, the department had no record of a Verification Checklist having been mailed to the Claimant informing her that she had 10 days to cooperate with the Office of Child Support. The department also could not provide a Notice of Noncompliance. As a result, the department never gave Claimant or Claimant's representative 10 days to cooperate with the Office of Child Support. Therefore,

because the department did not follow their own policies in processing Claimant's Medicaid and Retro Medicaid application, the department improperly denied Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly processed Claimant's Medicaid and Retro Medicaid application and the department's decision denying Claimant's MA and Retro MA application is REVERSED. The department SHALL properly process Claimant's MA and Retro MA application in accord with all applicable policies retroactive to the application date of November 9, 2010.

It is SO ORDERED.

/s/ \_\_\_\_\_  
Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/29/11

Date Mailed: 6/29/11

**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 receipt 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.

VLA/ds

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