

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-41527
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: November 9, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on November 9, 2011, in Detroit, MI. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (DHS or Department) properly utilized bills submitted in January 2011 for activation of Medical Assistance (MA)? Whether the Department utilized bills submitted in April 2011 and properly activated coverage?

FINDINGS OF FACT

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

1. In January 2011, Claimant submitted a medical bill from October 2010 in the amount of \$1,154.40.
2. The Department activated MA for the month of October utilizing \$654 of the October 2010 bill.
3. In April 2011, Claimant supplied bills for additional medical expenses requesting future months to be activated.
4. The Department activated the months of February and March 2011 based on the bills submitted in April 2011.

5. On June 9, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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.

In the instant case, Claimant is protesting two actions taken by the Department. First, Claimant insists the October 2010 bill submitted in January should have activated more than the month of October 2010. Claimant is also protesting the Department's activation of February and March 2011 based upon bills submitted in April 2011.

Claimant incorrectly believed a medical expense submitted in January would be prorated over more than one month. The bill in question occurred in the month of October 2010. The Department activated Claimant's MA coverage for October after removing the required \$654 expense from the bill. The remainder of the \$1,154.40 bill would have been covered by MA and should not be the responsibility of Claimant. Since the remainder of the bill was eligible to be paid by MA once opened, Claimant had no more obligation for the bill in October 2010 other than her spend-down amount of \$654; thus, no amount remained to be carried over to future months.

Claimant then protests the Department's activation of past months based on bills she supplied in April 2011. Claimant requested future months be activated utilizing the bills she provided in April 2011. Instead, the Department activated prior months. The Claimant is allowed, by policy, to request the use of old bills to activate future months. In this case, the Department ignored this request and activated prior months to the detriment of Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the following:

1. The Department's activation of MA coverage for October 2010 utilizing the \$1154.40 bill is AFFIRMED.

2. The Department's action activating coverage for February and March 2011 is REVERSED and, therefore, the Department shall:
 - a. Remove MA coverage as activated for the months of February and March 2011; and
 - b. Activate MA coverage for November and December 2011 utilizing the bills submitted in April 2011.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 22, 2011

Date Mailed: November 22, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

