

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201153026
Issue No: 2012
Case No: [REDACTED]
Hearing Date: October 19, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's authorized representative's request for a hearing received on March 14, 2011. After due notice, a telephone hearing was held on October 20, 2011. Claimant's authorized representative, [REDACTED] with Advomas, appeared and provided testimony.

ISSUE

Whether the department properly processed Claimant's Retroactive Medicaid 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. On July 1, 2009, Claimant's authorized representative, Advomas, filed a Retroactive Medicaid Application (DHS 3243) on Claimant's behalf, seeking retroactive medical assistance coverage for Claimant's hospital admissions in May and June 2009. Claimant's application was filed with the department's Genesee-McCree county office. (Claimant Exhibit 1)
2. The department has no record that it processed Claimant's Retroactive Medicaid Application, or notified Claimant or Claimant's authorized representative of the department's disposition of the application.
3. On February 10, 2011, in response to an inquiry by Claimant's authorized representative, Genesee-McCree county DHS specialist [REDACTED] informed Claimant's authorized representative by email that Claimant's July 1, 2009 application had been denied.
4. On March 11, 2011, Claimant's authorized representative submitted a hearing request on Claimant's behalf, seeking a hearing on the

department's failure to properly process Claimant's July 2009 Retroactive Medicaid Application. (Hearing Request)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

The Medical Assistance (MA) program was 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).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist clients when necessary. BAM 105.

The department tells the client what verification is required, how to obtain it, and the due date through the use of the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

For MA, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. A Notice of Case Action is sent when the client indicates a refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, in July 2009, Claimant's authorized representative filed a Retroactive Medicaid Application on Claimant's behalf. At the hearing, the department representative acknowledged that the department has no record that it ever completed the processing of Claimant's application, or notified Claimant's authorized representative of the department's disposition of the application, thus necessitating a hearing request filed by Claimant's authorized representative.

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Consequently, the Administrative Law Judge finds that based on the material and substantial evidence presented during the hearing, and for the reasons stated on the record, the department did not act in accordance with policy as it failed to properly process Claimant's July 2009 Retroactive Medicaid Application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and for the reasons stated on the record, decides that the department improperly failed to process Claimant's January 2009 Retroactive Medicaid Application and ORDERS that the department shall immediately reinstate and reprocess Claimant's July 2009 Retroactive Medicaid Application.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 20, 2011

Date Mailed: October 21, 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 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.

SDS/cr

cc:

