

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-15233
Issue No.: 2012/2021
Case No.: [REDACTED]
Hearing Date: February 17, 2011
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on February 17, 2011. [REDACTED] of [REDACTED], [REDACTED] [REDACTED] appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUES

1. Whether DHS properly failed to process Claimant's Assistance Application dated 9/30/08 for retroactive Medical Assistance (MA) benefits.
2. Whether DHS properly denied Claimant's Assistance Application dated 9/30/08 for ongoing MA benefits.

FINDINGS OF FACT

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

1. On 9/30/08, DHS received an Assistance Application on behalf of Claimant requesting MA benefits, including a request for retroactive MA benefits back to 6/2008.
2. DHS has yet to determine Claimant's eligibility for 6/2008 MA benefits.
3. On 4/21/09, DHS denied Claimant's MA benefits for 9/2008 due to alleged excess assets by Claimant.

4. DHS failed to provide evidence that Claimant had excess assets for MA benefits.
5. On 7/2/09, Claimant's AHR requested a hearing disputing the failure by DHS to evaluate Claimant for retroactive MA; Claimant's AHR also disputed the DHS determination denying Claimant for MA benefits effective 9/2008.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Retro MA coverage is available back to the first day of the third calendar month prior to the current application for FIP and MA applicants and persons applying to be added to the group. BAM 115 at 8. The DHS-3243, Retroactive Medicaid Application, is used along with the DHS-1171, DHS-4574 or DCH-0373 for retro MA applications. BAM 110 at 4.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications based on a disability is 90 days. BAM 115 at 11.

In the present case, it was not disputed that Claimant appropriately requested retroactive MA benefits from a period within three months of the Assistance Application dated 9/30/08. DHS offered no explanation why Claimant's eligibility for 6/2008 and 7/2008 have not been determined. DHS has far exceeded the 90 day standard of promptness from 9/30/08 to determine Claimant's eligibility. It is found that DHS exceeded their standard of promptness and improperly failed to determine Claimant's eligibility for MA benefits from 6/2008 and 7/2008.

Concerning Claimant's eligibility for MA benefits beginning 9/2008, DHS determined that Claimant was ineligible due to excess-assets. DHS failed to prevent any evidence justifying the denial. The undersigned cannot uphold a DHS action without evidence

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from DHS supporting that the action was correct. It is found that DHS improperly denied Claimant's application dated 9/30/08 for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that DHS failed to timely determine Claimant's eligibility for retroactive MA benefits from 6/2008 and 7/2008. It is also found that DHS improperly denied Claimant's application dated 9/30/08 due to excess assets. It is ordered that DHS reinstate Claimant's application dated 9/30/08 and that DHS re-evaluate Claimant's eligibility for 9/2008 and retroactive months 6/2008 and 7/2008 in accordance with DHS regulations. The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/23/2011

Date Mailed: 2/23/2011

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.

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