

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. 201119783  
Issue No. 2011  
Case No. [REDACTED]  
Hearing Date: March 17, 2011  
Wayne County DHS (35)

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

**ISSUE**

Whether DHS properly failed to process Claimant's application dated 11/14/08 requesting retroactive Medical Assistance (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 11/14/08, an Assistance Application was submitted to DHS on behalf of Claimant requesting MA benefits.
2. The Assistance Application requested retroactive MA benefits for Claimant from 8/2008-10/2008.
3. On 11/14/08, a Retroactive Medicaid Application (DHS-3243) was also submitted to DHS on behalf of Claimant.
4. DHS processed and approved MA benefits for Claimant effective 11/2008.

5. DHS did not process Claimant's MA benefits for months 8/2008-10/2008.
6. On 1/22/11, ██████ requested a hearing disputing the failure by DHS to process Claimant's request for MA benefits from 8/2008-10/2008.

### **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 the 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.

In the present case, Claimant's AHR alleged that Claimant is entitled to a determination of MA benefit eligibility for benefit months 8/2008-10/2008 based on an alleged submission of an Assistance Application and Retroactive Medicaid Application submitted to DHS on 11/14/08. DHS concedes that no MA determination was made concerning benefit months 8/2008-10/2008.

Claimant's AHR submitted both applications as evidence of their submission. The Assistance Application had an apparently authentic DHS date stamp which tended to verify a submission date of 11/14/08. After examining the applications at the hearing, DHS did not dispute that the applications were submitted to DHS on 11/14/08. Accordingly, DHS agreed to determine Claimant's MA eligibility for benefit months 8/2008-10/2008; ██████ agreed to this resolution. As the DHS agreement with ██████ appears to comply with the facts and DHS regulations, the undersigned is inclined to accept the agreement. It is found that DHS improperly failed to evaluate Claimant's MA benefit eligibility for benefit months 8/2008-10/2008.

In fairness to DHS, it should be noted that the failure in the processing of Claimant's eligibility was caused in part by different clients with the same name each seeking a hearing disputing an MA benefit determination. The confusion similarly affected the department of the undersigned, State Office of Administrative Hearings and Rules, to schedule multiple hearings at the same time.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law and by agreement of the parties, finds that DHS improperly failed to determine Claimant's eligibility for MA benefits from 8/2008-10/2008. It is ordered that DHS shall determine Claimant's eligibility for benefit months 8/2008 through 10/2008 based on Claimant's Retroactive Medicaid Application dated 11/14/08. The actions taken by DHS are REVERSED.



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

Date Signed: 04/01/11

Date Mailed: 04/06/11

**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 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.

CG/dj

cc:

