

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

IN THE MATTER OF:



Reg. No.: 2011-23060
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: March 30, 2011
DHS County: Wayne (82-19)

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, a hearing was held on March 30, 2011.

Claimant's representative appeared and testified.

ISSUE

Did the Department of Human Services (Department) fail to process Claimant's application for Medicaid (MA)?

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 January 14, 2010, the Department received an application for MA with a request for retro MA back to November 2009.
2. On May 14, 2010 the Department denied the MA application based upon not being disabled. The Department had not processed for caretaker relative MA.
3. On October 12, 2010, Claimant's representative requested a hearing.

CONCLUSIONS OF LAW

MA 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 administers MA 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).

In the present case, the Department failed to fully process the application submitted on January 14, 2010, for both disability MA and caretaker relative MA. The Department instead processed the application for disability MA and failed to consider MA based upon MA caretaker relative. Claimant's representative requested a hearing indicating they believed the application was denied by the Medical Review Team (MRT). They indicated they were seeking the application to be processed for both disability-based MA as well as caretaker relative MA.

The relevant policy can be found in BAM Item 105, p.1 and p. 11:

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

On the same day a person comes to the local office, he has the right to file an application and get local office help to provide the minimum information for filing.

An application or DHS-1171-F, Filing Document, must be registered if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant.
- Address of the applicant.
- Signature of the applicant/authorized representative.

Determine eligibility and benefit amounts for all requested programs. A DHS-1171 application for cash assistance (FIP/SDA) is an application for medical assistance (MA/AMP), even if medical assistance is **not** checked as a program being applied for on page 1 of the application.

SSI recipients, Title IV-E recipients, special needs adoption assistance recipients and Department wards are automatically eligible for current MA.

Review the effect on eligibility whenever the client reports a change in circumstances. Actions must be completed within the time period specified in BAM 220.

At application and redetermination, thoroughly review all eligibility factors in the case.

At application, redetermination, semi-annual contact and mid-cert contact, check **all** available automated systems matches to see if income has started, stopped or changed (e.g. Consolidated Inquiry (CI), SOLQ, etc.).

Do not check automated systems matches for Healthy Kids.

Application and redeterminations must be completed within the standards of promptness.

Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision.

The Department failed to process the application as required by policy for MA based upon caretaker relative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Therefore, the Department's decision is REVERSED. The Department is ORDERED to process the January 14, 2010, MA application which includes the retro MA based upon caretaker relative MA.



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

Date Signed: April 19, 2011

2011-23060/JWO

Date Mailed: April 19, 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.

JWO/pf

cc:

