

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-33417
Issue No. 2026
Case No. [REDACTED]
Hearing Date: June 8, 2011

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a 3 way telephone hearing was held on June 8, 2011. The Claimant appeared and testified. [REDACTED] also appeared as a witness for the Claimant. [REDACTED] FIM appeared and testified on behalf of the department.

ISSUE

Did the Department properly impose a medical deductible upon the Claimant's Medical Assistance (MA) for the Claimant and her spouse?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of Medical Assistance. The Agency erroneously sent the Claimant a notice that she was subject to a deductible amount of \$418 effective April 1, 2011. This occurred as a result of Agency error.

2. The Department sent a new Notice of Case action to the Claimant to the wrong address effective August 1, 2010 making the Claimant eligible for Transitional Medical Assistance with no deductible. The Claimant did not receive the Notice and continued to believe that she only had Medical Assistance subject to the \$418 spend down. Exhibit 2.
3. At the hearing the Department acknowledged the error and prior to the hearing corrected the Claimant's Medical Assistance to full Medicaid Coverage retroactive to the date the deductible was erroneously imposed upon the Claimant. Exhibit 1.
4. At the hearing the Department stipulated that it would assist the Claimant and reimburse all medical expenses that have not been paid and that are outstanding as of April 1, 2010 by way of a 12 month billing exception.
5. The Claimant requested that the Department compensate her for the health setbacks caused to her husband resulting from the Claimant's financial inability to procure prescriptions for her husband's heart condition because she believed that full medical coverage had been denied the Claimant and her husband by the Department.
6. The Claimant indicated that the food assistance issue raised by the hearing request has been resolved and that she no longer wished to proceed with the hearing on that issue.
7. The Claimant requested a hearing on April 19, 2010 protesting the imposition of a Medical Assistance Spend down amount and the reduction of her Food Assistance.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department acknowledge its error in handling the Claimant's case improperly and erroneously imposing a Medical spend down amount on

the Claimant's Medical Assistance benefits. The Department ultimately corrected the error, but the partial correction reinstating benefits as of August 1, 2010 was not received by the Claimant because she had moved and the Department did not send the Notice to the Claimant's correct address.

Because the Department corrected its error and has agreed to assist the Claimant in obtaining payment of any outstanding medical bills retroactive to April 1, 2010 and will seek and grant a 12 month billing exception so that any outstanding medical bills can be paid, the Department has complied with policy and corrected its error. Given this situation, there is nothing further for this Administrative Law Judge to grant by way of relief as a result of the Claimant's hearing request. The Undersigned is not unsympathetic to the Claimant's distress over the issue; however there is no further relief that can be granted.

Based upon the foregoing, the Department's correction of the Claimant's medical coverage with no spend down amount retroactive to April 1, 2010 is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 14, 2011

Date Mailed: June 14, 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.

LMF/cl

cc:

