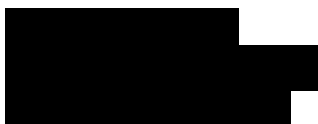


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201138801
Issue No: 2018
Case No: [REDACTED]
Hearing Date: July 26, 2011
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on July 26, 2011. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly refuse to cover Claimant's medical expenses for August 2010?

FINDINGS OF FACT

I find, based upon the competent, material and substantial evidence on the whole record, find as material fact:

1. On December 7, 2010, Claimant submitted a DHS-114A (Deductable Report). The Deductable Report included expenses for December 2009, January 2010, June 2010 and August 2010. (Hearing Summary, Department Exhibit 3, 4).
2. For the months of December 2009 through January 2010, the Claimant had full Medicaid.
3. On or around March 21, 2011, the Department notified the Claimant they would not be able to issue payments for her August 2010 medical expenses.
4. On June 3, 2011, the Claimant filed a request for hearing protesting the March 21, 2011 Department action. (Department Exhibit 2).

CONCLUSIONS OF LAW

The 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). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM and BEM.

Department policy indicates, “[t]he group must report expenses by the last day of the third month following the month in which the group wants MA coverage”. (BEM 545 p. 9).

In the present case, the Claimant admitted she was late in reporting her medical expenses for the month of August 2010. The Claimant submitted her medical expenses for August 2010 on December 7, 2010. In order to be timely, the Claimant needed to submit the August 2010 expenses by November 30, 2010. Therefore, the Department acted in accordance with policy in denying payment for the Claimant’s medical expenses.

Accordingly, I find the Agency’s actions should be **affirmed**.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that the Department properly denied payment for Claimants August 2010 medical expenses.

The Department’s actions are **AFFIRMED**.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 27, 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.

CAA/cr

cc:

