

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201149460
Issue No: 2026
Case No: [REDACTED]
Hearing Date: October 4, 2011
Oakland 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 October 4, 2011. The Claimant and Agency appeared by telephone and provided testimony.

I had left the record open for the Department to submit additional information regarding the Claimant's deductible. At the time of this writing, I had not yet received the information the Department indicated they would submit. Therefore I had no choice but to close the record and issue a decision based on the testimony and evidence submitted at the time of the hearing.

ISSUE

Did the Department properly calculate and determine the Claimant's deductible for Group 2 MA coverage and did the Department cover Claimant's medical expenses for March 2011?

FINDINGS OF FACT

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

1. From January 2011 through April 2011 the Claimant qualified for and received Group 2 Medical Assistance. The Group 2 Medical Assistance had a monthly deductible.
2. On March 23, 2011, the Claimant submitted two medical bills to the Department. One medical bill was for [REDACTED] the other was for [REDACTED].
3. After March 23, 2011, the Claimant's [REDACTED] medical bill was returned unpaid.

4. Sometime in September 2011, the Claimant had the provider for the [REDACTED] medical bill resubmit the bill for payment.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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). The Department 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).

I found this matter to be very troubling because the Claimant lacked the clarity to lay out the precise reasons why she had requested a hearing; and was further troubled by the fact the Claimant was unable to remember the dates, times and events surrounding the time period in question. To compound matters, the Department failed to produce the documentation they agreed to submit immediately after the hearing.

During the hearing, the Department indicated the Claimant's deductible was met in March of 2011 and therefore the bill should have been paid. However, the Claimant and the Department were at odds over the actual amount of the deductible. Although the Department indicated everything was correct on their end and that the correct information was input into the system to allow payment for the medical bills submitted by the Claimant; the Department was unable to provide any evidence to substantiate their claims.

Accordingly, I find the Agency's actions should be **reversed**

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that the Department improperly denied payment for Claimants March 2011 medical expenses.

The Department is ordered to redetermine the Claimant's deductible for Group 2 MA coverage beginning with March 2011 and to issue any retroactive payment if otherwise qualified and eligible.

The Department's actions are **REVERSED**.

/s/

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

Date Signed: October 6, 2011

Date Mailed: October 6, 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:

