

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.: 2011-9290
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: February 17, 2011
Wayne County DHS (19)

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 February 17, 2011. [REDACTED] of [REDACTED] [REDACTED] appeared and testified on behalf of Claimant as an Authorized Hearing Representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly failed to process Claimant's eligibility for Medical Assistance (MA) benefits effective 6/2009.

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 8/25/09, DHS received an Assistance Application on behalf of Claimant requesting MA benefits from 6/2009.
2. DHS processed and approved Claimant's MA benefits effective 7/2009.
3. DHS never determined Claimant's eligibility for MA benefits effective 6/2009.
4. On 10/7/10, Claimant's AHR requested a hearing disputing the failure by DHS to process Claimant's MA eligibility effective 6/2009.

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 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.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications based on a disability is 90 days. BAM 115 at 11.

Claimant's AHR only disputed the failure by DHS to process Claimant's request for MA benefits effective 6/2009. It was not disputed that Claimant submitted an application to DHS in 8/2009 and appropriately requested retroactive MA benefits for a month within the three prior months of Claimant's application.

DHS did not dispute any of Claimant's assertions. DHS testified that they have attempted to process Claimant's eligibility for 6/2009 but have not been able to do so due to technical reasons. DHS indicated that they contacted the DHS database support staff to no avail for assistance for processing Claimant's 6/2009 MA benefit eligibility.

DHS indicated that part of their problem lies with DHS mistakenly registering Claimant's application for 10/21/09 rather than the appropriate 8/25/09 date. Going back three months from a 10/2009 registration date would allow retroactive MA benefits for 7/2009, not 6/2009. DHS may not deprive Claimant of benefits to which Claimant is entitled due to technical support issues; this is especially true when the technical difficulties are only because of a DHS error. It is found that DHS improperly failed to determine Claimant's eligibility for MA benefits for 6/2009.

DHS exceeded their standard of promptness concerning determining Claimant's 6/2008 MA benefit eligibility by over one year. Such a delay is inappropriate. The undersigned understands that the testifying DHS personnel may be completely helpless in resolving

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the below order. Nevertheless, DHS is responsible for complying with the below order in a timely manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to determine Claimant's eligibility for MA benefits for 6/2009. It is ordered that DHS shall determine Claimant's eligibility for 6/2009 based on Claimant's application dated 8/25/09 in accordance with DHS regulations. The actions taken by DHS are REVERSED.

Christian Gardocki

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

Date Signed: 2/23/2011

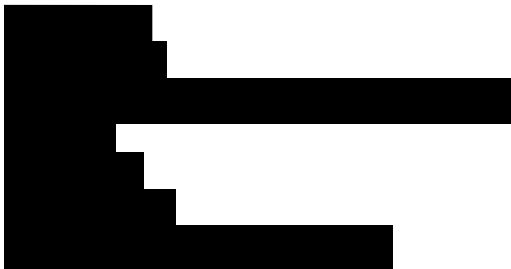
Date Mailed: 2/23/2011

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.

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