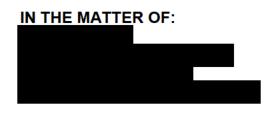
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-28466 Issue No.: 2012 Case No.: Hearing Date: June 13, 2012 Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administ rative 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 conducted from Detroit, Michigan on Wednesday, June 13, 2012. The Claimant is deceased; however, her Authorized Hearing Representative, appeared on behalf of the Department of Human Service s

("Department").

ISSUE

Whether the Department proper ly processed the Claimant's February 2011 application for Medical Assistance ("MA-P") benefits retroactive to December 2010?

FINDINGS OF FACT

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

- 1. The Claimant submitt ed an application for public assistance seeking MA-P benefits retroactive to December 2010, in February 2011.
- 2. The Department failed to register and process the application.
- 3. On or about February 7, 2011, the D epartment denied the Facility Admis sion Notice due to non-cooperation with the Office of Child Support ("OCS").

4. The Claimant was murdered on

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- 5. On December 14, 2011, the Probate Court appointed a Special Personal Representative for the sole purpose of pursing Medicaid benefits.
- 6. On December 22, 2011, the Special Personal Representative appointed the Authorized Hearing Repr esentative ("AHR") to pursue Medic aid benefits on behalf of the decedent.
- 7. On January 4, 2012, the Department received the AHR's written request for hearing protesting the failure to process the February 2011 MA application.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is est ablished by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administer ed by the Department of Human Services, formerly k nown as the Family Independence Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), t he Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A request for public assistance may be in per son, by mail, telephone or through by an internet application. BAM 110. Registered applications mu st contain, at a minimum, the name, birth date, and addr ess of the applicant, along with the signature of the applicant or authorized representative. BAM 105. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115. If a client refuses to cooperate in the application proces s, a denial notice is sent within the standard of promptness. BAM 115.

For MA purposes, the receipt of a comple ted Facility Admissio n Notice, MSA-2565-C, serves as a request for MA benefits for a II perso ns exc ept autom atically eligible newborns, active MA recipients, or pending MA or FIP applicants. BAM 110.

In this case, in February 2011 the Department received both a Facility Admission Notice and an application ("DHS 1171") for MA benefits. The Department testified that the application was not registered or processed. As such, a Notice of Case Action was never generated. In light of the foregoing, it is found t hat the Department failed t o establish it acted in accor dance with Department policy when if f ailed to register and process the Claimant's February 2011 app lication for MA benefits retroactive to December 2010. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds t he Depart ment failed to establis h it acted in acco rdance with department policy when failed to register and process the Claimant's February 2011 application.

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Accordingly, it is ORDERED:

- 1. The Department's actions are not upheld.
- 2. The Depar tment shall register and process the Claimant's February 2011 application, retroactive to Decem ber 2010, in accordance with department policy.
- 3. The Department shall notify t he Claimant/decedent and the Authorized Hearing Representative of the determination in acc ordance with department policy.

Collein M. Mamilka

Colleen M. Mamelka Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: June 20, 2012

Date Mailed: June 20, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re Consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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