

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-389
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: December 1, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, an in-person hearing was held on December 1, 2011, in Sterling Heights. Claimant did not appear. [REDACTED] appeared on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (DHS or Department) acted timely in activating Medical Assistance (MA) approved by the Medical Review Team (MRT)?

FINDINGS OF FACT

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

1. On May 24, 2010, Claimant submitted an application for MA.
2. On July 26, 2011, the Department sent the medical packet to MRT.
3. On August 1, 2011, MRT approved MA based on disability effective February 2010.
4. The Department activated an MA case as of May 2011.
5. On September 7, 2011, the Department submitted a help ticket to get coverage added from February 2010 through April 2011.

6. On August 23, 2011, Claimant's representative requested a hearing to compel the Department to activate coverage back to February 2010 in accordance with the MRT decision.

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 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 Program Reference Manual (PRM).

In the instant case the Department acknowledges that Claimant was approved by MRT for MA coverage beginning February 2010. The Department, however, has been unable to activate coverage prior to May 2011. The Department has submitted a help ticket to have the change in coverage made in accordance with the MRT decision. Claimant's representative is requesting the Department be ordered to open the case with the approved coverage.


This Administrative Law Judge agrees the coverage needs to be established as provided by the MRT decision. The Department needs to act timely in activating said coverage. Throughout the application process and to date, the Department has not acted timely in processing and activating coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department has not activated the MA coverage in accordance with the MRT approval.

Accordingly, the Department is hereby ORDERED to:

1. Activate MA coverage back to February 2010 in accordance with the MRT decision.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 15, 2011

Date Mailed: December 15, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

