

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.: 2012-4285
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: April 12, 2012
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, April 12, 2012. The Claimant did not appear; however, his Authorized Hearing Representative, [REDACTED] appeared on his behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's June 2009 application for Medical Assistance ("MA-P") benefits retroactive to March 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. The Claimant submitted an application for public assistance seeking MA-P benefits retroactive to March 2009, in June 2009. (Exhibits 1, 2)
2. The Claimant submitted a second application on November 10, 2009.
3. On December 13, 2010, the Medical Review Team ("MRT") approved the Claimant's November 2009 MA-P application retroactive to August 2009.
4. Subsequently, the Department activated coverage under the Adult Medical Program ("AMP") for the period from March 2009 through April 2010.

5. For the period of May 2010, the Department activated coverage under the MA-P program.
6. On February 12, 2010, the Department received the Claimant's written request for hearing protesting the failure to process the June 2009 application under the MA-P program.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formally known 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"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110. Registered applications must contain, at a minimum, the name, birth date, and address 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 process, a denial notice is sent within the standard of promptness. BAM 115.

In this case, the Claimant submitted two applications seeking MA-P benefits; one in June 2009 retroactive to March, and the other in November 2009 retroactive to August. The Department processed the November 2009 application resulting in a finding of disability effective August 20 09 forward. Despite the MRT determination, the Department activated coverage from March 2009 through April 2010 under the AMP program. Based on the December 13, 20 10 MRT determination, coverage under the MA-P program should be activated from August 2009 forward, provided all other non-medical criteria are met. In light of the foregoing, the Department's failure to implement the December 13, 2010 MRT determination is not upheld.

It is unclear what happened with the processing of the June 2009 application; however, as previously stated, the Department did activate coverage beginning March 2009 under the AMP program despite the fact that the Claimant stated he was disabled on the June 2009 application. The MRT never made a determination of disability based on this application. The Claimant/Representative agreed to provide a copy of the June 2009 application, to include the retroactive application and supporting verifications. In light of the foregoing, the Department's failure to process the June 2009 application under the MA-P program is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department failed to establish that it acted in accordance with department policy when processing the June 2009 and November 2009 MA-P applications.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall re-register and process the Claimant's June 2009 application based on disability, retroactive to March 2009 in accordance with department policy.
3. The Department shall notify the Claimant and his Authorized Hearing Representative of the determination in accordance with department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified based on the June 2009 application.
5. The Department shall implement the December 13, 2010 MRT determination which found the Claimant disabled effective August 2009 provided all other non-medical criteria are met.

Colleen M. Mamelka

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

Date Signed: April 18, 2012

Date Mailed: April 18, 2012

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

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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

CMM/cl

cc:

