

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-55658
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: October 31, 2012
Wayne County DHS (19)

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 hearing was held in Inkster, Michigan on Wednesday, October 31, 2012. The Claimant did not appear; however, his Authorized Hearing Representative (AHR"), [REDACTED] of [REDACTED], appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly processed a January 2012 application for Medical Assistance ("MA-P") benefits retroactive to October 2011?

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/AHR submitted an application for public assistance seeking MA-P benefits retroactive to July 2011, on October 26, 2011.
2. On December 12, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 6, 7)
3. On December 19, 2011, the Department denied the October 2011 application. (Exhibit 1, pp. 64 – 68)
4. On January 5, 2012, the AHR received the December 19th Notice of Case Action finding the Claimant not disabled. (Exhibit 1, p. 63)

5. The December 19th Notice of Case action, denying the October 2011 MA-P application, was not appealed.
6. In or around January 27, 2012, the AHR submitted a letter and a Facility Admission Notice regarding an October 2011 admission. (Exhibits 3, 5)
7. An application (DHS-1171), filing form, or a January 2012 Facility Admission Notice was not received and/or registered by the Department.
8. On May 18, 2012, the Department received the AHR's written request for hearing protesting the denial of a January 27, 2012 application. (Exhibit 1, p. 3; Exhibit 2)

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 Tables ("RFT").

For MA purposes, an application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the name and birth date of the applicant, address of the applicant (unless homeless), and signature of the applicant/authorized representative. BAM 105 (December 2011), p. 1. An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility. BAM 105, p. 1. If the application/filing form does not contain the minimum information listed above, the Department is required to send it back to the client along with a DHS-330, Notice of Missing Information, informing the client of the missing information. BAM 105, p. 1. A filing form is used to preserve the application filing date and is located on the last page of the DHS-1171 booklet and is available online. BAM 110 (December 2011), p. 1.

A request for public assistance may be in person, by mail, telephone or through by an internet application. BAM 110, p. 1. Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115 (July 2010), p. 8. For MA purposes, the receipt of a completed Facility Admission Notice, MSA-2565-C, serves as a request for MA benefits for all persons except automatically eligible newborns, active MA recipients, or pending MA or FIP applicants. BAM 110 (December 2011), p. 2, 3. A completed Facility Admission Notice must be registered. BAM 110, p. 16.

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In this case, the AHR submitted an application on October 26, 2011, seeking retroactive coverage to July 2011. This application was denied on December 19, 2011. The Department sent the Notice of Case Action to the AHR on January 5, 2012 in response to an inquiry regarding that application. This denial was never appealed.

A letter received by the Department from the AHR on January 27, 2012, specifically states that the AHR was applying for MA to cover an October 2011 hospital bill. There is absolutely no reference of a January 2012 application. Instead, the letter requests that if there was a denial during the previous month (as such the case here) then to consider the letter to be an updated MA application. The letter further provides the AHR was "sending this incomplete application to reserve a filing date per PAM [sic] 105 so that **October** coverage will be possible." (emphasis is original). Another Facility Admission Notice was submitted which shows a denial date of January 25, 2012 and references the October 2011 admission.

In May 2012, the Department received a request for hearing protesting the denial of a January 27, 2012 application with retroactive benefits for October 2011. As noted above, the Department found the Claimant "not disabled," based on an October 26, 2011 application, in December and provided the AHR notice of the denial on January 5, 2012. This determination was not appealed, therefore is a final determination with respect to October MA eligibility.

Included with the May 2012 hearing request, were several documents. First, a Federal Express tracking confirming that shows that the AHR sent *something* to the Inkster office on January 27, 2012. Other supporting documents submitted related to the filing of the October 2011 MA application retroactive to July 2011. Interestingly, one Facility Admission Notice, reportedly for the October 2011 hospital admission, was signed and dated in July 2011, over three months *before* the admission.

Presented with the hearing request was a third Facility Admission Notice which referenced a reported January 18, 2012 admission. This Notice contained the same denial date (January 25th) as Facility Admission Notice referencing the October 2011 admission. The signatures on the Notices are similar as well the date stamp. The Department testified credibly that an application, filing form, and/or Facility Admission Notice was never received in January 2012 and the AHR was unable to establish otherwise.

As previously stated, the Department sent a denial notice to the AHR in response to an inquiry from the AHR checking the status of the October 26, 2011 application. This was not appealed. There is nothing in policy that requires the Department to, in essence, reopen a previously denied application based on a letter requesting it be considered an updated MA application. Department policy provides that an incomplete application is either with the DHS-1171 or the filing form. The letter received by the Department on

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January 27, 2012 was neither of these. The Facility Admission Form received along with the January 27th letter referenced the October 2011 admission, which was previously denied. As such, this Facility Admission Notice was not considered a "request" for benefits which would have required the Department to register it. The evidence establishes that the Department denied the October 26, 2011 MA application and notified the AHR of the denial. The denial was not appealed, and as such, is a final determination.

The May 2012 Request for Hearing references a denial of a January 27, 2012 application. There was no Notice of Case Action presented, or other evidence to establish that an application was submitted. The Department testified credibly that the next application received regarding the Claimant was in August 2012. Further, the Facility Admission Notice covering a January 2012 hospitalization, was not previously received by the Department, therefore, there was no request for benefits and/or application/filing form from which the Department was required to act upon. In light of the foregoing, it is found that the Department acted in accordance with policy when processing the Claimant's MA case. Accordingly, the Department's actions are **AFFIRMED**.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department acted in accordance with department policy when it processed the Claimant's MA case.

Accordingly, it is **ORDERED**:

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

Colleen M. Mamelka

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

Date Signed: November 2, 2012

Date Mailed: November 2, 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

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cc:

