

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

IN THE MATTER OF:

██████████
██████████
██

Reg. No.: 2013 28206
Issue No.: 2006
Case No.: ██████████
Hearing Date: May 30, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a three way telephone hearing was held on May 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included ██████████ the Claimant's Authorized Hearing Representative. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████ ES.

ISSUE

Did the Department properly deny medical coverage for April 2010?

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 Medical Assistance based on disability and a retro MA application for January 2010.
2. The State Hearing Review Team approved the Claimant's April 27, 2010 application and retro application after an appeal and issuance of a Summary Order of Disposition approving the application and retro application issued on May 11, 2012.
3. The Claimant's AHR submitted medical bills for April 2010 on October 10, 2012.
4. The Department sent a note to the Claimant's AHR advising that it would not process the April 2010 bills.

5. No request for verification was sent by the Department requesting medical bills, or to determine eligibility for April 2010 after the Summary Order of Disposition was issued.
6. A Notice of Case Action was issued on May 15, 2012 approving Medical Assistance from January 1, 2010 through March 31, 2010 which was the retro application period. April 2010 was neither approved nor denied. Exhibit 3
7. The Department issued a verification checklist dated May 11, 2011 requesting medical bills and other information which was sent prior to SHRT approval. No Notice of Case Action denying the April 27, 2010 application for failure to verify information was issued by the Department.
8. In June 2012 the AHR provided the Department medical records for April 4, 2010 admission referencing the April 27, 2010 application.
9. The Claimant requested a hearing on February 1, 2013 protesting the Department's denial of the medical expenses and medical coverage for April 2010.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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.

Additionally, in this case the Department did not act by Notice of Case Action to deny coverage for Medical Assistance for April 2010. The Department sent a letter/email to the AHR indicating that the medical bills were not submitted until June 10, 2012 and denied medical assistance for April 2010. The Department did not act in accordance with Department policy as no Notice of Case Action was issued denying medical assistance for April 2010, and the Department did not process the Summary Disposition Order to determine eligibility for April 2010 as required. Based upon the record presented the Department did not properly deny the medical bills or medical assistance for April 2010, as its action by email is not official action and the Department failed to process the application to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

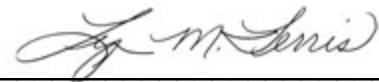
did act properly when

did not act properly when it denied Medical Assistance for April 2010..

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate re-registration and processing of the April 2010 application for medical assistance and determine eligibility.
2. The Department shall process the Medical Bills for April 2010 to determine their eligibility for payment and reimbursement.
3. The Department shall provide notice to the Claimant's AHR of its determination of eligibility and any request for information or verification shall also be sent to the Claimant's AHR.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 19, 2013

Date Mailed: June 19, 2013

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 affect the substantial rights of the claimant:
 - 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

LMF/cl

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