

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

IN THE MATTER OF:



Reg. No.: 2013-25678
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 17, 2013
County: Oakland (63-02)

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 following Claimant's request for a hearing. After due notice, an in person hearing was held on April 17, 2013, in Madison Heights, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. On September 10, 2012, Claimant's representative submitted an MSA-2565-C for Medical Assistance (MA).
2. On January 18, 2013, Claimant filed a hearing request, protesting the Department's failure to process Claimant's request for benefits.

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.

In the instant case, Claimant had previously applied for benefits and had been denied by the Department. Claimant's representative filed an MSA-2565 for a June 2012 hospitalization. The Department failed to process this request. The Department at hearing acknowledged the request for benefits was not processed until after Claimant's representative's request for hearing. The Department issued a denial outside of the BRIDGES system after receiving the hearing request. The Department based this denial upon Claimant's case still being in non cooperation with child support.

Relevant Policy can be found in BAM 110, pp. 2-3:

Receipt of a completed MSA-2565-C, Facility Admission Notice, serves as a **request** for MA for all persons except:

- Automatically eligible newborns; see [BEM 145](#).
- Active MA recipients.
- Pending MA or FIP applicants.

All other requests must be registered and the client must be sent the following:

- DHS-126, Medicaid Application Inquiry.
- The appropriate application form.
- MSA Pub. 726, Nursing Facility Eligibility (if LTC admission).

The following publications must be given or sent to MA applicants and other interested parties:

- MDCH Pub.A Guide to Michigan Medicaid Health Plans.
- DCH Pub. 617, Medicaid Deductible Information.
- MSA Pub. 726, Nursing Facility Eligibility.
- MDCH Pub. 769, Medicare Savings Program.

Upon reviewing the record, it is clear the Department failed to process Claimant's request for MA benefits. As the above policy indicates, the Department needed to take

necessary steps, such as contacting Claimant's representative and registering an application, in order to complete the processing of Claimant's request filed on September 12, 2012. Claimant and her representative should have been sent the appropriate application and a request to verify Claimant's cooperation with child support.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

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. Register Claimant's request for MA benefits made on September 12, 2012;
2. Issue the appropriate application and forms to Claimant's representative;
3. Process Claimant's request according to policy;
4. Issue a written determination regarding requested benefits.



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

Date Signed: April 24, 2013

Date Mailed: April 24, 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

JWO/pf

cc:

