

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-27863
Issue No.: 2018
Case No.: ██████████
Hearing Date: May 30, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 telephone hearing was held on May 30, 2013, from Detroit, Michigan. Claimant's Authorized Hearing Representative (AHR), ██████████, appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly process Claimant's application for Medical Assistance (MA)?

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 December 1, 2011, Claimant submitted an application for MA retroactive to October 2011.
2. On July 9, 2012, an administrative hearing was held with regard to the processing of Claimant's MA application. (Exhibit 1).
3. The July 9, 2012 Hearing Decision ordered the Department to register and process Claimant's retroactive MA application from the date of filing, December 1, 2011. (Exhibit 1).

4. On January 24, 2013, Claimant's AHR requested a hearing for the Department's failure to comply with the prior administrative Order and failure to process Claimant's MA application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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, Claimant submitted an application for MA on December 1, 2011, retroactive to October 2011. For an unexplained reason, the Department did not process Claimant's MA application and on July 9, 2012, an administrative hearing was held with regard to the processing of Claimant's MA application. The July 9, 2012 Hearing Decision ordered the Department to register and process Claimant's MA application from the date of filing, December 1, 2011, to include any retroactive months. (Exhibit 1).

Claimant's AHR did not receive any notice from the Department regarding the status of Claimant's application or any information on whether the Department complied with the prior Order from July 9, 2012. As a result, on January 24, 2013, Claimant's AHR requested a hearing concerning Department's failure to comply with the prior administrative Order and failure to process Claimant's MA application.

At the hearing, the Department initially testified that after receiving the Order from the July 9, 2012 hearing, Claimant's MA application was registered, processed and denied in January 2013. Claimant's AHR testified that neither he nor Claimant received any notice of the denial and the Department was unable to provide any documentation that proper notice was sent. The Department presented a program request summary indicating that there were MA applications registered for Claimant on various dates but that the current status of her MA case remains pending. (Exhibit 2). In addition, the Department acknowledged that there were errors in the processing of Claimant's application and that the application has been registered and processed more than once. The Department testified that currently, Claimant's MA application is in pending status but was unable to explain the reason. Therefore, the Department has not satisfied its burden in establishing that it acted in accordance with Department policy when it processed Claimant's MA application. It is found and determined that the Department failed to comply with the prior administrative Order and failed to process Claimant's MA application within the standard of promptness required under Department policy. BAM 115 (May 2012), pp.12-13. As such, the Department's decision is REVERSED.

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 Department did not act in accordance with Department policy in processing Claimant's MA application. Accordingly, the Department's MA decision is REVERSED.

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

1. Reregister the December 1, 2011 MA application for MA coverage retroactive to October 2011;
2. Begin reprocessing the application for December 1, 2011 ongoing in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from October 2011 ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 18, 2013

Date Mailed: June 18, 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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]