

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201327893  
Issue No.: 2012  
Case No.: [REDACTED]  
Hearing Date: May 30, 2013  
County: Wayne DHS (35)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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. Participants included [REDACTED] as Claimant's authorized hearing representative. DHS failed to participate in the hearing.

It should be noted that DHS verbally requested an adjournment on the day of hearing. The request was based on the unavailability of an unspecified DHS representative. The request was denied because DHS is expected to have adequate replacement representatives available.

**ISSUE**

The issue is whether DHS properly processed Claimant's Medical Assistance (MA) eligibility for 6/2011 and 1/2012.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing MA benefit recipient.
2. For the benefit months of 6/2011 and 1/2012, DHS approved Claimant for Medicaid subject to an unknown deductible.
3. On 9/16/11, Claimant's AHR timely submitted proof to DHS of \$2196.40 in medical expenses from 6/2011.

4. On 3/22/12, Claimant's AHR timely submitted proof to DHS of \$557.31 in medical expenses from 1/2012.
5. DHS failed to apply the submitted medical expenses towards Claimant's deductible.
6. On 1/22/13, Claimant's AHR requested a hearing to dispute the failure by DHS to process medical expenses from 6/2011 and 1/2012 towards Claimant's deductible.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program 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 Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that the request noted that Claimant's AHR required special arrangements to participate in the administrative hearing, specifically, a three-way telephone hearing was requested. Claimant's AHR was granted permission to appear by telephone. Claimant's AHR stated that the special accommodation request was satisfied.

Claimant's AHR asserted that DHS determined that Claimant was eligible for Medicaid subject to a deductible for the months of 6/2011 and 1/2012. Claimant's AHR was unable to specify the amount of the deductible, purportedly due to a failure by DHS to respond to inquiries made by the AHR. Claimant's AHR presented documentation (Exhibits A1-A10) which verified that Claimant incurred \$2196.40 in medical expenses for 6/2011 and \$557.31 in medical expenses for 1/2012. The AHR also alleged that the expense documents were timely submitted to DHS and that DHS failed to apply the expenses towards Claimant's deductible.

Claimant's AHR testified credibly concerning all of the above assertions. DHS failed to appear for the hearing; thus, all of Claimant's AHR's statements were unrebutted. Based on the presented evidence, it is found that DHS failed to apply Claimant's verified medical expenses towards her deductible for the months of 6/2011 and 1/2012.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to apply medical expenses towards Claimant's Medicaid deductible. It is ordered that DHS:

- (1) process \$2196.40 in medical expenses from 6/2011 towards Claimant's Medicaid deductible;
- (2) process \$557.31 in medical expenses from 1/2012 towards Claimant's Medicaid deductible; and

(3) initiate supplement of any benefits improperly not issued.

The actions taken by DHS are REVERSED.



Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/20/2013

Date Mailed: 6/20/2013

**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 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

CG/hw

cc:

