

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-28648
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. The Department of Human Services (Department) did not participate in the hearing.

ISSUE

Did the Department properly process Claimant's January 3, 2011, application for Medical Assistance (MA), with retroactive coverage to December 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. On January 3, 2011, Claimant's AHR, acting as Claimant's authorized representative, filed an application seeking MA coverage for Claimant retroactive to December 2010.
2. On June 15, 2011, the AHR filed a request for hearing with the Department Healthy Kids Unit contending that the Department had failed to process Claimant's application.
3. The hearing request was forwarded to the Inkster District on February 8, 2013.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

As a preliminary matter, it is noted that the Department did not participate in this hearing. The hearing was scheduled as a three-way telephone hearing. The AHR called in to the Michigan Administrative Hearing System (MAHS) at 10:23 a.m. to indicate it was prepared to proceed with the hearing. MAHS called the Department, but no one answered and there was no voicemail available for a message to be left. MAHS also emailed the Department at 10:30 a.m. notifying the Department that if it did not call in within 15 minutes, the hearing would proceed in its absence. The Department did not call in. The hearing commenced at 10:50 a.m. with Claimant's AHR as the sole party-participant.

Claimant's AHR testified that, as Claimant's authorized representative, it submitted an MA application to the Department on January 3, 2011, with a request for retroactive coverage to December 2010. Claimant's AHR requested a hearing, alleging that the Department had failed to process this application.

Although the Department's hearing summary, which was prepared on February 8, 2013, indicated that Claimant's application was registered and the Department was awaiting verifications to send to the Medical Review Team (MRT) for processing, at the hearing, the AHR testified that, contrary to the hearing summary, it did not receive a verification checklist (VCL) requesting medical documentation concerning Claimant's application and was not aware of any VCL being sent to Claimant. The AHR further testified that it had not received any Notice of Case Action concerning the status of the MA application. In the absence of any evidence by the Department showing that the VCL had been sent to the AHR, the Department has failed to satisfy its burden of showing that it was processing Claimant's application in accordance with Department policy.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's MA application.

Accordingly, the Department's 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. Register Claimant's January 3, 2011, MA application, with retroactive coverage to December 2010;
2. Begin processing the application, including sending any required VCLs to Claimant and the AHR;
3. Provide Claimant with the MA coverage he is eligible to receive from December 2010 ongoing;
4. Notify Claimant and the AHR in writing of its decision; and
5. Comply with each of the preceding steps in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 12, 2013

Date Mailed: June 13, 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,

- 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

ACE/pf

cc:

