

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-32735
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 12, 2013
County: Wayne (82-35)

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 12, 2013, from Detroit, 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 process Claimant's June 27, 2012, Medical Assistance (MA) application?

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 June 27, 2012, Claimant applied for MA.
2. On July 3, 2013, Claimant's AHR notified the Department that it was serving as Claimant's authorized representative (AR) during the application process, which the Department acknowledged receiving.
3. On July 10, 2012, the Department sent Claimant a Medical Determination Verification Checklist (VCL).

4. Claimant sent a copy of the VCL to the AHR, which the AHR received on August 7, 2012.
5. On August 16, 2012, the AHR faxed the Department a letter indicating that medical documentation concerning Claimant was being sent to the Department via Federal Express and requesting an extension of the VCL due date to August 27, 2012.
6. On August 17, 2012, the AHR sent the Department a Federal Express packet.
7. On August 22, 2012, and September 7, 2012, the AHR sent the Department additional correspondence confirming that all of the verifications were sent.
8. On February 19, 2013, the AHR filed a request for hearing asking that the Department process Claimant's application.

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.

Additionally, as a preliminary matter, it is noted that the Department failed to provide a Notice of Case Action showing that it had denied Claimant's June 27, 2012, MA application. A client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (February 2013), p. 4. In this case, the AHR filed a request for hearing on February 18, 2013. The Department was unable to establish that a Notice of Case Action was sent to Claimant and to the AHR, who was Claimant's authorized representative (AR) during the application process, or when one was sent. The AHR denied receiving a Notice. Even though the Department was granted the opportunity to provide after the hearing a copy of the Notice it alleged it sent denying the June 27, 2012, application, the only Notice it provided was one dated June 26, 2012, which was not relevant to an MA application filed the day after the Notice was sent. Furthermore, the hearing request asks that Claimant's application be processed, further supporting the AHR's position that it did not receive a copy of the Notice of Case Action denying the application. Under these facts, the hearing request is not subject to dismissal based on timeliness. Therefore, the merits of Claimant's concerns were addressed at the hearing and in this Hearing Decision.

Although the Department testified that Claimant's June 27, 2012, MA application was denied because Claimant had failed to verify requested information, as indicated above, it was unable to establish that a Notice denying the application was ever sent to Claimant or the AHR. Furthermore, the Department was unable to establish that it sent the VCL dated July 10, 2012, to the AHR, as Claimant's AR. The AHR established that it received a copy of the VCL on August 7, 2012, forwarded to it by Claimant. The AHR also presented fax confirmations and Federal Express receipts to support its argument that it had provided all requested verifications to the Department. Although the Department initially contended that it had not received any requested verifications, it subsequently acknowledged that it did receive verifications from the AHR.

Based on the foregoing, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's June 27, 2012, MA application.

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 not act in accordance with Department policy when it denied Claimant's June 27, 2012, 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. Reregister Claimant's June 27, 2012, MA application;
2. Begin reprocessing the application in accordance with Department policy;
3. Provide Claimant with MA coverage from the date he is eligible to receive any such coverage; and
4. Notify Claimant and the AHR in writing of its decision in accordance with Department policy.



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

Date Signed: June 17, 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 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

ACE/pf

cc:

