

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

IN THE MATTER OF:



Reg. No.: 20134187
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: February 27, 2013
County: Genesee 02

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on February 27, 2013.

ISSUE

Did the Department of Human Services (DHS) properly process claimant's April and May 2011 medicaid?

FINDINGS OF FACT

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

1. Previous to the issue herein, Administrative Law Judge Chris Saunders issued a reversal on DHS denial granting claimant Medicaid.
2. Claimant disputes the fact that the Department failed to put coverage on for April and May 2011.
3. Claimant's representative requested a hearing to have the two months reviewed.
4. Prior to the time of the Administrative Hearing, herein, the Department went out to the waiting room and tried to dismiss claimant.
5. At the Administrative Hearing, the Department tried to insist claimant had coverage and that there was no issue left for review. The DHS submitted a written report to support its position which in part indicated that the case was closed.

6. The ALJ requested a supervisor testify. upon review, the supervisor stipulated that the Department failed to put claimant on for April and May 2011 and would do so.

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). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Credible and substantive evidence on the record indicates that the Department failed to properly process this case and open the Medicaid for April and May 2011. The Department stipulated at the Administrative Hearing that it would do so.

It is noted that Department has no authority to try and dissuade a claimant from proceeding with an administrative hearing particularly where there is a representative on the case.

The Department's actions are reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were incorrect

Accordingly, the Department's failure to properly open April and May 2011 for Medicaid eligibility on behalf of claimant was incorrect.

The Department is ordered to immediately open April and May 2011 Medicaid so bills from these two months can be paid. It is so ORDERED.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 18, 2013

Date Mailed: March 19, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

JGS/tb

cc:

