

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-33707  
Issue No.: 2018  
Case No.: ██████████  
Hearing Date: June 26, 2013  
County: Oakland (03)

**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 June 26, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Assistance Payment Worker, and ██████████ Assistance Payment Supervisor.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. On October 11, 2012, Claimant submitted an application for MA benefits for himself and his two children, retroactive to August 2012.
2. On October 16, 2012, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by October 26, 2013.
3. On December 4, 2012 the Department sent Claimant a Notice of Case Action, denying his application for MA benefits for himself on the basis that he was not aged, blind, disabled, under 21, pregnant or a caretaker relative.(Exhibit 3)

4. Claimant's children had an active MA case in Wayne County under which they were receiving MA through December 2012.
5. On January 14, 2013, the Department sent Claimant a Notice of Case Action informing him that effective January 2013, he was approved for MA. (Exhibit 4).
6. On February 21, 2013, Claimant filed a hearing request, disputing the Department's actions and requesting coverage for the lapse in MA benefits for the period in August 1, 2012 through December 31, 2012.

### **CONCLUSIONS OF LAW**

Department policies are found 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.

As a preliminary matter, Claimant's request for hearing included [REDACTED] as Authorized Hearing Representative (AHR). At Claimant's request, a representative from [REDACTED] did not appear for the hearing. Claimant wished to proceed with the hearing in the absence of an AHR.

Additionally, MA is available to parents and other caretaker relatives who meet the eligibility factors in BEM 135. BEM 135 (January 2011), p.1. In this case, on October 11, 2012, Claimant submitted an application for MA, retroactive to August 2012. (Exhibit 1). On October 16, 2012, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by October 26, 2013. Claimant submitted the requested verifications including Verification of Student Information as proof that his two daughters were living with him. (Exhibit 2). On December 4, 2012 the Department sent Claimant a Notice of Case Action, denying his application for MA benefits effective October 1, 2012 for himself on the basis that he was not aged, blind, disabled, under 21, pregnant or a caretaker relative. (Exhibit 3). On January 14, 2013, the Department sent Claimant a second Notice of Case Action informing him that effective January 2013, he was approved for MA, as a caretaker of minor child. (Exhibit 4). Claimant requested a hearing regarding the lapse in MA benefits for the period of August 1, 2012 through December 31, 2012.

At the hearing, the Department testified that Claimant's daughters had active and ongoing MA under a different case with their mother. The Department stated that it did not become aware that Claimant was the caretaker of his daughters until he submitted the verification of student information in October 2012 and that the Department had to

wait until the children were removed from their other case in Wayne County before they could be added to his MA case. The Department testified that in December 2012, the Wayne County case worker removed the children from their mother's case and at that time, it activated MA coverage for Claimant effective January 1, 2013. The Department stated that even though it had verification that Claimant was the caretaker of his daughters in October 2012, it was unable to activate his MA under the caretaker relative MA program until the other Department office had the children removed. Claimant was eligible to receive MA in October 2012 and the Department should have transferred his daughters to his MA case prior to January 1, 2013 effective date.

Additionally, Claimant credibly testified that his daughters began living with him on June 8, 2012, when their mother went missing. The daughters continued living with Claimant thereafter, as their mother was found deceased. Claimant stated that on June 22, 2012, he called the Department and left a voicemail informing the Department of his situation and how his daughters were now living with him but that his call was never returned. Claimant had a phone record to verify his testimony. The Department also confirmed that it received a two minute voicemail from Claimant on June 22, 2012.

The Department testified that Claimant submitted a Semi-Annual Contact Report on June 29, 2012 and that he did not include his daughters as living with him at the time. (Exhibit 5). Claimant credibly stated that prior to him completing the Semi-Annual Contact Report, he contacted the Department and asked if he should include his daughters as new group members. Claimant testified that he was informed that he should not list his daughters as new group members because he had not yet heard back from or spoken to his case worker regarding the situation and that adding them on the Semi-Annual would only confuse things. Claimant also testified that in August 2012, he applied for survivor benefits for his daughters, which he began receiving effective June 2012.

Claimant made a reasonable effort to inform the Department of his daughters' living situation and provided credible testimony and supporting evidence that he had been their caretaker since June 2012. Therefore, Claimant is entitled to receive MA for the retroactive period requested. As such, the Department did not act in accordance with Department policy when it failed to provide Claimant with MA for the period of August 1, 2012 through December 31, 2012. Accordingly, 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 the Department did not act in accordance with Department policy when it failed to provide Claimant with MA for the period of August 1, 2012 through December 31, 2012. 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. Activate the appropriate MA benefits for Claimant for the period of August 1, 2012 through December 31, 2012 in accordance with Department policy and consistent with this Hearing Decision; and
2. 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: July 17, 2013

Date Mailed: July 17, 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]