

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-36566
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne (82-18)

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 20, 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 December 29, 2011, application for Medical Assistance (MA), with retroactive coverage to September 2011?

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 December 29, 2011, Claimant filed an MA application with a request for retroactive coverage to September 2011.
2. The AHR was Claimant's authorized representative (AR) with respect to Claimant's application.
3. On September 27, 2012, the Department notified the AHR via email that Claimant's MA application was denied because he did not attend a doctor's appointment that had been scheduled at the request of the Medical Review Team (MRT).

4. On December 7, 2012, the AHR filed a request for hearing disputing the Department's action, indicating that it, as Claimant's AR, was not notified of Claimant's medical appointment.

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 1:55 p.m. to indicate it was prepared to proceed with the hearing scheduled at 2:00 p.m. MAHS called the Department and spoke to the hearing coordinator at 2:10 p.m. to inform the Department that the Administrative Law Judge and the AHR were prepared to proceed. The Department did not call in, and the hearing commenced at 2:40 p.m. with Claimant's AHR as the sole party-participant.

At the hearing, Claimant's AHR testified that, as Claimant's AR, it submitted an MA application to the Department on December 29, 2011, with a request for retroactive coverage to September 2011. After the Department notified the AHR that Claimant's application was denied because he had failed to attend a medical appointment requested by MRT, the AHR filed a hearing request indicating that it, as Claimant's AR, had not been notified of the appointment or of the denial prior to receiving the email. Although the Department did not participate in the hearing, its hearing summary dated March 22, 2013, was read into the record. The hearing summary indicated that the Department had agreed to reprocess the application upon Claimant's attendance at a rescheduled doctor's appointment. A Medical Appointment Confirmation Notice dated March 25, 2013, showed that Claimant was scheduled to attend a doctor's appointment on April 6, 2013. Although the AHR denied receiving this Notice, it had confirmed with the doctor's office that Claimant had attended the appointment. Because the Department did not participate in the hearing, it could not confirm whether it had reregistered and was reprocessing Claimant's application, as it indicated it would in the hearing summary. The AHR noted at the hearing that Claimant had been approved for disability benefits by the Social Security Administration (SSA), but it had not been able to verify the SSA's determination of the disability onset date.

In the absence of any evidence by the Department showing that it had sent the Medical Appointment Confirmation Notice to the AHR or that it was processing Claimant's

application in accordance with the terms of the hearing summary, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy.

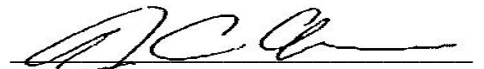
DECISION AND ORDER

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 December 29, 2011, MA application, with retroactive coverage to September 2011;
2. Begin reprocessing the application;
3. Provide Claimant with the MA coverage he is eligible to receive from September 2011 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 24, 2013

Date Mailed: June 24, 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:

