

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-64849
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 31, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on October 31, 2013, at the Washtenaw County DHS office. Participants on behalf of Claimant included [REDACTED]. Claimant was not present. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED].

ISSUE

Did the Department properly determine Claimant's Medical Assistance (MA) eligibility?

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, 29, 2010, Claimant's representative filed an MA application alleging disability.
2. On July 7, 2010, the department registered Claimant's application. (Claimant Ex. #1).
3. On January 6, 2011, Claimant requested a hearing for the department's failure to process Claimant's 6/29/10 MA application. (Claimant Ex. #2).
4. On June 7, 2011, a hearing was scheduled to address Claimant's hearing request. (Claimant Ex. #3).

5. On June 7, 2011, while on the record and based on an agreement with the department that the department agreed to determine Claimant's MA eligibility back to the 6/29/10 application date, Claimant's representative withdrew the hearing request. (Claimant Ex. #4).
6. On July 5, 2012, Claimant's representative requested a second hearing regarding the department's failure to process Claimant's 6/29/10 MA application. (Claimant Ex. #5).
7. During the hearing on April 4, 2013, the department testified that the 6/29/10 application had been processed and denied in 2010. The department was found to have improperly denied Claimant's application for benefits and ordered to provide Claimant's authorized representative with an updated notice of the denial of Claimant's MA benefit application dated 6/29/10. (Claimant Ex. #6).
8. On April 29, 2013, Claimant's representative received the Notice of Case Action dated 8/27/10 denying Claimant's MA application. The Notice had been printed on April 22, 2013. (Claimant Ex. #7).
9. On June 19, 2013, Claimant's representative requested a third hearing on the denial of Claimant's 6/29/10 application.
10. During the hearing, the department representative admitted there was no record of the 6/29/10 MA application being processed properly, because according to the file the application had never been sent to the Medical Review Team for an eligibility determination.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

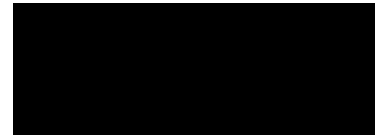
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it failed to send the 6/29/10 application to MRT.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Forward the 6/29/10 application the Medical Review Team in accord with policy.



Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/01/2013

Date Mailed: 11/04/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

2013-64849/VLA

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

VLA/sw

cc:

