

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

IN THE MATTER OF:

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

Reg. No.: 2013-51218
Issue No.: 2012
Case No.: ██████████
Hearing Date: November 13, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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, a telephone hearing was held on November 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and Claimant's Authorized Hearing Representative (AHR), ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) application and retroactive 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 August 3, 2012, Claimant applied for MA benefits and sought retroactive coverage back through July 2012. See Exhibit 1.
2. On October 8, 2012, the Medical Review Team (MRT) denied Claimant's MA request. See Exhibit 1.
3. However, the Department failed to notify Claimant and/or Claimant's AHR of the MA denial in accordance with Department policy.

4. On April 24, 2013, Claimant's AHR filed a hearing request, protesting the Department's failure to notify it of Claimant's MA determination. See Exhibit 1.
5. On July 17, 2013, the Michigan Administrative Hearing System (MAHS) sent Claimant and/or Claimant's AHR a Notice of Hearing, which scheduled the hearing for August 5, 2013. See Exhibit 2.
6. On August 5, 2013, Claimant's AHR requested an adjournment. See Exhibit 2.
7. On August 13, 2013, an Administrative Law Judge sent Claimant and/or Claimant's AHR an Order Granting Adjournment. See Exhibit 2.
8. On October 25, 2013, the MAHS sent Claimant and/or Claimant's AHR a Notice of Hearing, which rescheduled the hearing for November 13, 2013. See Exhibit 2.

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.

As a preliminary matter, Claimant's AHR requested an in-person hearing. See Exhibit 2. However, the hearing was scheduled for a telephone hearing. See Exhibit 2. Nevertheless, Claimant's AHR testified that the hearing could proceed via a telephone.

Any person, regardless of age, or their authorized representative (AR) may apply for assistance. BAM 110 (October 2012), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 16.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2012), p. 12. For MA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 12. However, there are exceptions to these benefits programs for processing times, which is described as follows: 90 days for MA categories in which disability is an eligibility factor. BAM 115, p. 12. The SOP can be extended 60 days from the date of deferral by the Medical Review Team. BAM 115, p. 13.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 18. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 18.

In this case, on August 3, 2012, Claimant applied for MA benefits and sought retroactive coverage back through July 2012. See Exhibit 1. On October 8, 2012, the MRT denied Claimant's MA request. See Exhibit 1. However, during the hearing, the Department testified that it failed to notify Claimant and/or Claimant's AHR of the MA denial in accordance with Department policy. The Department failed to send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). See BAM 115, p. 18.

Based on the foregoing information and evidence, the Department failed to process Claimant's MA application dated August 3, 2012, and retroactive application for July 2012, in accordance with Department policy. The Department failed to notify Claimant and/or Claimant's AHR of the MA denial reasons after the MRT denial on October 8, 2012. BAM 115 requires that the Department send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). See BAM 115, p. 18. Thus, the Department did not act in accordance with Department policy and will have to send Claimant and/or Claimant's AHR a denial notice. See BAM 115, p. 18.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to send Claimant and/or Claimant's AHR a denial notice in regards to the MA application dated August 3, 2012, and retroactive application for July 2012.

Accordingly, the Department's MA 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. Notify Claimant and/or Claimant's AHR in writing of the denial reason(s) in regards to the MA application dated August 3, 2012, and retroactive application for July 2012, in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 20, 2013

Date Mailed: November 20, 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.

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

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]