

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

**IN THE MATTER OF:**

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

Reg. No.: 2013 59774  
Issue No.: 2012  
Case No.: ██████████  
Hearing Date: November 4, 2013  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 November 4, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ FIM, and ██████████, Medical Contact Worker. ██████████ of District 82 did not appear for the hearing and was to appear by phone.

**ISSUE**

Did the Department properly activate MA-P coverage ongoing from and after November 1, 2011 through July 31, 2012 after a Decision finding the Claimant disabled?

**FINDINGS OF FACT**

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

1. A Decision was issued by Administrative Law Judge Leventer on May 24, 2012 finding that the Claimant was disabled and reversing the Department's denial of the Claimant's MA-P application dated November 16, 2011 and retro application for August 1, 2011. Exhibit 1
2. The Department approved coverage effective August 1, 2011 through October 31, 2011 and then coverage ended until August 1, 2012. No reason for the gap in coverage from November 1, 2011 through July 31, 2012 could be explained by the Department. Exhibit 4

3. The Claimant's coverage for the period November 1, 2011 through July 31, 2012 was never activated by the Department.
4. At the hearing the Department conceded that coverage should have been active ongoing through July 31, 2012 and that an MSA 1038 exception to the one year billing limit for the period was appropriate and should have been completed.
5. The Claimant's AHR filed a timely hearing request on July 12, 2013 protesting the Department's failure to respond to its request to complete an MSA 1038.

### **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.

Additionally, in this case once disability was approved by the May 24, 2012 Decision by Administrative Law Judge Leventer, the Department should have processed the case and continued coverage ongoing. Given the fact that an improper MSA 1038 was never corrected, the Department conceded that a new MSA 1038 to correct the old one must be submitted so that medical bills and coverage can be properly effectuated. Therefore, given the fact that the Department conceded that an MSA 1038 was never processed correctly and that one should be processed, it is determined that the Department must correct the original processing error and take steps to issue an MSA 1038 for the period November 1, 2011 through July 31, 2012.

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 improperly failed to effectuate ongoing medical coverage for the period November 1, 2011 through July 31, 2012 and then failed to correctly process a proper MSA 1038.

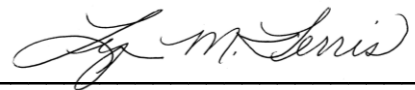
### **DECISION AND ORDER**

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. The Department shall complete and process an MSA 1038 one year billing exception for the period November 1, 2011 through July 31, 2012.
2. The Department shall advise the Claimant and Claimant's AHR of the processing so that medical bills may be processed.



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**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 13, 2013

Date Mailed: November 13, 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

2013-59774/LMF

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

LMF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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