

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

IN THE MATTER OF:

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

Reg. No.: 2013-69292
Issue No.: 2018
Case No.: ██████████
Hearing Date: November 6, 2013
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 6, 2013, from Hamtramck, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) coverage?

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 July 25, 2013, Claimant applied for MA.
2. On July 30, 2013, the Department sent Claimant a medical packet.
3. Before the due date, Claimant submitted a completed Medical-Social Questionnaire, DHS-49F; Activities of Daily Living, DHS-49G; Authorization to Release Protected Health Information, DHS-1555, and Reimbursement Authorization, DHS-3975. In his DHS-49F, Claimant disclosed hospitalizations and identified his doctors.

4. On August 22, 2013, the Department sent Claimant a Notice of Case Action denying his application.
5. On September 10, 2013, Claimant filed a request for hearing disputing the Department's action.

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, to establish a disability in order to be eligible for disability-based MA coverage, an individual who is not receiving Supplemental Security Income (SSI) or disability-based Retirement, Survivors, and Disability Insurance (RSDI) must complete certain medical documents for submission to the Medical Review Team (MRT). BEM 260, p. 3; BAM 815 (July 2013), p. 3. MRT reviews the medical evidence provided by the client and physician to determine the client's eligibility for assistance based on a disability. BAM 815, p. 1.

In this case, in response to the Medical Determination VCL, Claimant timely submitted a completed DHS-49F, DHS-49G, DHS-1555, and DHS-3975. The Department testified that his application was denied because he returned a blank DHS-49, Medical Examination Report, and did not provide any other medical documents concerning his medical condition. Claimant explained that he had contacted the hospital where he had been admitted for his records, and he was informed that the Department would request that information itself. Consequently, he returned only those documents that he was required to complete.

Department policy provides that the client is responsible for completing the Medical Social Questionnaire DHS-49F, and the medical packet is incomplete without the DHS-49F. BAM 815, p. 3; Department of Human Services Reference Forms and Publications Manual 49F, p. 4. It is the Department's responsibility to obtain evidence of impairment (such as a DHS-49, DHS-49D or equivalent medical evidence/documentation). BEM 260, p. 3. BAM 815 provides that, if the client completes appropriate sections of the a DHS-1555, Authorization to Release Protected Health Information, the Department specialist has the responsibility of completing the form to request existing medical records if the client has (i) seen a physician within the last six months, (ii) gone to a clinic within the past six months, or (iii) been hospitalized

within the past 12 months. BAM 815, p. 3. Furthermore, in circumstances where a client has no current medical sources, the Department must schedule a general medical examination, authorize payment, and, if needed, authorize payment for transportation to the examination. BAM 815, p. 4.

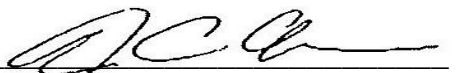
At the hearing, the Department verified that in his DHS-49F Claimant identified his doctors and recent hospitalizations. Therefore, the Department had the information necessary to request the medical documents it sought itself and it failed to act in accordance with Department policy when it denied Claimant's MA application because he did not provide requested medical documents. To the extent a general medical examination was necessary, the Department did not act in accordance with Department policy when it denied Claimant's MA application without scheduling such an exam.

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. Reregister Claimant's July 25, 2013, MA application, with request for retroactive MA coverage;
2. Reprocess the application;
3. Forward the medical packet to MRT for disability determination;
4. Provide Claimant with any MA coverage he is eligible to receive from the date of eligibility; and
5. Notify Claimant in writing of its decision.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 12, 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

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

ACE/pf

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