

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201368244
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 22, 2013
County: Eaton

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 22, 2013, from Lansing, Michigan. Claimant was represented by [REDACTED]. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED].

ISSUE

Did the Department properly deny Claimant's March 7, 2013 Medical Assistance (MA) 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 March 7, 2013, [REDACTED] submitted a Medical Assistance (MA) application on behalf of Claimant. Page C of the application showed that Claimant was a US citizen.
2. On March 28, 2013, [REDACTED] Representative [REDACTED] informed the Department that Claimant was not a US citizen but was a resident and requested his application be processed for emergency services only.
3. On April 8, 2013, [REDACTED] Representative [REDACTED] informed the Department that Claimant was not a US citizen and that they did not believe identification or a birth certificate was needed for non-citizen applicants.

4. On April 12, 2013, [REDACTED] Representative [REDACTED] sent an amended page C for the application which was corrected to show that Claimant was not a US citizen. The attached correspondence stated "I believe the Checklist is complete as of this date."
5. On April 15, 2013, Claimant's application was denied for failure to provide identification and verification of residency status.
6. On April 24, 2013, [REDACTED] Representative [REDACTED] sent correspondence to ES [REDACTED]. The correspondence referred to "Medicaid application for [REDACTED]" and contained medical records from [REDACTED] hospital admission.
7. On May 16, 2013, [REDACTED] Representative [REDACTED] sent correspondence to [REDACTED] regarding a checklist due on that date.
8. On September 6, 2013, [REDACTED] submitted a request for hearing.

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 first issue for resolution in this case is timeliness. In this case, the request for hearing submitted by [REDACTED] asserts that the July 4, 2013, denial of Claimant's March 7, 2013, application was denied in error. Evidence in this record shows that the March 7, 2013, application was denied on April 15, 2013. The [REDACTED] representative at this hearing asserts [REDACTED] did not get the April 15, 2013, notice that Claimant's March 27, 2013, application was denied. ES [REDACTED] (who was present for the hearing) processed the March 27, 2013, application, including the April 15, 2013, denial. All [REDACTED] correspondence through April 12, 2013, came from their Representative [REDACTED] who was not present at this hearing. Neither was any admissible evidence submitted on the question of her knowledge that the March 7, 2013, application was denied on April 15, 2013.

The [REDACTED] representative at this hearing stated that another Medical Assistance (MA) application had been submitted for Claimant. No evidence was submitted by either side as to the date of the second MA application. Evidence in this record establishes that [REDACTED] Representative [REDACTED] sent Claimant's

February 2013, hospital records to ES [REDACTED] on April 24, 2013. That fact raises a very strong possibility that the second application was submitted after April 12, 2013, and before April 24, 2013. Submitting an application in April 2013, would allow retroactive coverage of Claimant's February 2013, hospital bills. This second application would save the February claim in spite of the March 7, 2013, application's denial.

Evidence in this record establishes that on May 15, 2013, [REDACTED] Representative [REDACTED] began sending correspondence regarding checklists and extensions for an MA application in Claimant's name to [REDACTED]. It would be unusual for a second application to be submitted by [REDACTED] if the first one was still being processed. Representative [REDACTED] was not present at this hearing. Neither was any admissible evidence submitted on the question of her knowledge that the March 7, 2013 application was denied on April 15, 2013.

There is no competent, material or substantial evidence in this record to support a finding that [REDACTED] did not have notice that the March 7, 2013, application was denied on April 15, 2013.

In accordance with Department of Human Services Bridges Administration Manual (BAM) 600 (2013) page 4 a request for hearing must be submitted within 90 days of the first written notice of case action. In the present case the date of notice was April 15, 2013 but this request for hearing was not submitted until September 6, 2013.

DECISION AND ORDER

This request for hearing was not submitted within the required 90 day time limit. Accordingly, this request for hearing is **DISMISSED** for lack of jurisdiction under BAM 600.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/13/2013

Date Mailed: 11/13/2013

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

GFH/sw

cc:

