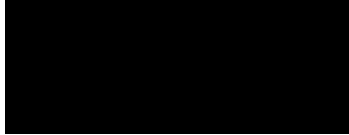


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 13-000227
Issue No.: 2001;2004
Case No.: [REDACTED]
Hearing Date: December 08, 2014
County: Wayne-District 19

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on December 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included his Authorized Hearing Representative (AHR), [REDACTED] from [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits?

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 January 8, 2014, an administrative hearing was held with respect to Claimant's MA benefits.
2. The Hearing Decision mailed on January 15, 2014, found that the Department did not act in accordance with Department policy with respect to Claimant's application for MA benefits and ordered the Department to initiate certain actions towards Claimant's MA case. (Exhibit A)
3. On June 23, 2014, [REDACTED] submitted a hearing request on behalf of Claimant disputing the Department's actions and requesting that the Department comply with the orders of the Administrative Law Judge (ALJ) in the Hearing Decision mailed on January 15, 2014.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, ██████ requested a hearing on Claimant's behalf regarding the Department's failure to properly comply with a previous administrative hearing decision with respect to an application for MA benefits submitted on January 10, 2013, retro to November 2012. The Hearing Decision mailed on January 15, 2014, orders the Department to: (i) Register and process Claimant's January 10, 2013, application for MA, retroactive to November 2012, to determine Claimant's eligibility for MA benefits; (ii) Issue supplements to Claimant for any MA coverage that he was entitled to receive but did not from November 2012, ongoing; and (iii) Notify Claimant and ██████ of its decision in writing. (Exhibit A).

According to BAM 600, the Department is to implement and certify a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600 (July 2013), pp. 38-40. At the hearing, the Department testified that Claimant was ineligible for MA benefits for November 2012 and December 2012 on the basis that he was in noncooperation with child support requirements. The Department stated that Claimant was found to be in compliance with child support requirements in January 2013.

At the hearing, the Department presented an Administrative Hearing Order Certification signed by a Department supervisor on November 21, 2014, well after the date in which Claimant requested a hearing. The Administrative Hearing Order Certification states: "I have attached documentation of the completed action. The documentation attached is: Customer was sanction for noncooperation with child support 8-24-2008 and complied 1-1-2013. So customer was not eligible for November medical request." (Exhibit 3). Attached to the Administrative Hearing Order Certification was a Notice of Case Action dated January 14, 2013, which informs Claimant that he was ineligible for Food Assistance Benefits based on noncooperation with child support requirements. Although the Notice references approvals for MA benefits for Claimant's family members, the Notice does not contain any information concerning Claimant's eligibility for MA for any period including November 2012, ongoing. (Exhibit 3). The Department presented evidence that on November 24, 2014, it forwarded ██████ a copy of the above referenced

Notice of Case Action dated January 14, 2013, to establish that it complied with the prior hearing decision and order. (Exhibit 4).

There was no evidence presented to establish that the Department properly complied with the prior Hearing Decision, however. At the hearing, the Department acknowledged that after the initial January 8, 2014, hearing, it did not appear that Claimant's MA application was registered or processed. As of the December 8, 2014, hearing date, the Department testified that there remained no MA application registered on file for Claimant for January 2013. The Department failed to establish that it determined Claimant's eligibility for MA from November 2012, ongoing or that it notified Claimant and [REDACTED] in writing of its decision, as required by the prior Hearing Decision. Rather than register and process Claimant's eligibility for MA benefits from November 2012 ongoing pursuant to the Hearing Decision, the Department instead relied on a previously issued Notice of Case Action that fails to even address Claimant's eligibility for MA. Furthermore, the Department did not attempt to implement and certify the previous decision and order until November 21, 2014, after the date in which Claimant requested a hearing and well beyond the ten days required by Department policy.

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 processed Claimant's MA benefits. It should be noted that should the Department determine that Claimant is ineligible for MA benefits after registering and processing the January 10, 2013 MA application, retro to November 2012, Claimant is informed that he is entitled to request a hearing and have that issue reviewed.

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. Register and process Claimant's January 10, 2013, application for MA, retroactive to November 2012, to determine Claimant's eligibility for MA benefits;

2. Issue supplements to Claimant for any MA coverage that he was entitled to receive but did not from November 2012, ongoing; and
3. Notify Claimant and [REDACTED] of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/23/2014**

Date Mailed: **12/23/2014**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

