

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2013-25770
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 3, 2013, from Detroit, Michigan. Claimant's Authorized Hearing Representative, [REDACTED] appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED] Eligibility Specialist.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. On May 26, 2011, Claimant submitted an application for MA, retroactive to February 2011.
2. On June 3, 2011 the Department sent Claimant a Notice of Case Action, denying her application for MA benefits based on a failure to cooperate with child support requirements. (Exhibit 6).
3. On or about August 11, 2011, Claimant filed a hearing request disputing the denial.

4. On April 27, 2012, the Department sent Claimant a Verification Checklist (VCL) requesting that certain information be submitted to the Department by May 17, 2012. (Exhibit B).
5. On May 1, 2012, Claimant submitted a Hearing Request Withdrawal on the basis that the Department has changed its action on Claimant's case and that the Department has provided a VCL requesting additional information to reprocess the May 26, 2011 MA application, retroactive to February 2011. (Exhibit D).
6. On May 31, 2012, the Department sent Claimant a Notice of Case Action informing her that for the period of February 1, 2011 through March 31, 2011, she was approved for MA benefits, and for the period of June 1, 2012 ongoing, she was denied MA benefits. . (Exhibit C).
7. The May 31, 2012 Notice does not address the status of the application submitted on May 26, 2011 or whether the Department approved or denied MA benefits for Claimant for the period of May 2011 ongoing.
8. On January 15, 2013 Claimant filed a hearing request, disputing the Department's actions and requesting that the Department process and determine eligibility for MA for the period of May 2011 ongoing.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

As a preliminary matter, it was established that the sole issue in this case is the Department's failure to process Claimant's eligibility for MA benefits for the application dated May 26, 2011.

The custodial parents of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 2011), pp. 1, 10-11. A client's cooperation with paternity and obtaining child support is a condition of MA eligibility. BEM 255, pp. 1, 7-10. The Department is to inform the individual of the right to claim good cause by giving them a DHS-2168, Claim of Good Cause - Child Support, at application, before adding a member and when a client claims good cause. BEM 255, p. 2.

Additionally, at application, the client has 10 days to cooperate with the Office of Child Support (OCS). The Department is to inform the client to contact the OCS in the VCL. A disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true: (i) there is a begin date of non-cooperation in the absent parent logical unit of work; (ii) there is not a subsequent comply date; (iii) support/paternity action is still a factor in the child's eligibility; and (iv) good cause has not been granted nor is a claim pending. BEM 255, p. 10.

In this case, Claimant requested a hearing regarding the Department's failure to process Claimant's eligibility for MA for the period of May 2011 ongoing, in connection with an application. At the hearing, the Department testified that Claimant was ineligible to receive MA due to her noncooperation with child support. The Department stated that on August 2, 2011, Claimant complied with child support and regained eligibility. (Exhibit 3). Although the Department testified that for the period of May 2011 through August 2, 2011, Claimant was not eligible for MA due to her noncooperation with child support; there was no evidence presented to establish that the Department processed the May 26, 2011 application and sent Claimant notice of her eligibility for that time period. The Notice of Case Action dated May 31, 2012 presented at the hearing establishes that Claimant was approved for MA for the retroactive period requested, from February 1, 2011 through March 31, 2011 but does not address eligibility for May 2011 ongoing. (Exhibit C).

Further, Claimant's representative testified that Claimant was never informed of her right to claim good cause for her noncooperation nor was she given 10 days at the time of application to cooperate with the OCS through receipt of a VCL. The Department was unable to refute this testimony, as it did not provide a VCL confirming that Claimant was given the appropriate time to contact OCS and attempt cooperation at the time of her May 26, 2011 application. BEM 255, pp. 2, 10. Therefore, the Department failed to satisfy its burden in establishing that it properly processed Claimant's May 26, 2011 application for MA and her eligibility for MA from May 2011 ongoing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it failed to process Claimant's May 26, 2011 application for MA and determine eligibility for the period of May 2011 ongoing. Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister the May 26, 2011 MA application;

2. Begin reprocessing the application for May 26, 2011 ongoing in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from May 2011 ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.


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

Date Signed: July 25, 2013

Date Mailed: July 25, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc:

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