

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

IN THE MATTER OF:



Reg. No.: 2013-25886
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Clinton County DHS

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

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 June 13, 2013, from Lansing, Michigan. Participants on behalf of Claimant included her Power of Attorney (POA) [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] Lead Worker.

ISSUE

Did the Department properly determine Claimant's Medical Assistance (MA) eligibility for the time period in question?

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 August 13, 2013, the Department received Claimant's application for MA.
2. Claimant was approved for MA with a monthly deductible.
3. On September 26, 2012, the Department sent Claimant and her representative written notice of the MA eligibility determination.
4. On November 26, 2012, Claimant filed a hearing request with the Department of Community Health (DCH), to protest the MA financial eligibility determination and the MIChoice Waiver eligibility determination made by DCH.
5. The Administrative Law Judge for DCH determined that the Waiver Agency properly denied Claimant's request for services through the MIChoice Waiver.

program; however, Claimant's dispute over the MA financial eligibility determination was not an issue that could be resolved by a DCH Administrative Law Judge.

6. The DCH Administrative Law Judge found that Appellant's DCH appeal included an appeal of the DHS MA eligibility determination and advised Appellant to file another hearing request in the appropriate forum so that a separate hearing could be scheduled to address the DHS eligibility determination.
7. On January 16, 2013, Claimant's authorized representative following the DCH Administrative Law Judge's recommendation and filed another hearing request to protest the DHS MA financial eligibility determination.

CONCLUSIONS OF LAW

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. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

In this case, Claimant's representative disputed the Department's MA financial eligibility determination which he said affected Claimant's MIChoice Waiver eligibility. Claimant is protesting the MA eligibility determination effective August, 2012. The Department representative testified that Claimant was determined eligible for MA with a \$ [REDACTED] deductible. However, the Department representative was unable to meet the burden of going forward and establishing that the Department's MA eligibility determination was done in accordance with the applicable law and policy. (BAM 600) The worker testified that she was not the worker who made the MA eligibility determination. The worker could not explain how Claimant's financial MA eligibility was determined, and she did not know the policy that was used in determining Claimant's MA eligibility for the time period in question. The DHS worker testified that she is willing to redetermine Claimant's MA eligibility for the time period in question since she could not establish that the Department's determination was correct and in accordance with the applicable law and policy.

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 must redetermine Claimant's eligibility for MA.

Accordingly, the Department is ORDERED to initiate a determination of Claimant's eligibility for MA based on an application date of August 13, 2012, in accordance with the applicable law and policy.

/s/
Marya A. Nelson-Davis
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 2, 2013

Date Mailed: July 2, 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 effect the substantial rights of the claimant:
 - the 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

2013-25886/MAND

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cc:

