

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201330501
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 28, 2013
County: Wayne Count (#15)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Tuesday May 28, 2013 from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] (Authorized Hearing Representative from [REDACTED]) and the Claimant. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly processed the Claimant's application for retroactive Medical Assistance?

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 November 9, 2011 Accretive Health (AHR) submitted an application for MA with retro to August 2011 on behalf of the Claimant. (Exhibit 2)
2. The Department approved the Claimant for full MA coverage for November 2011 but did not provide retro MA to August 2011.
3. The Claimant was receiving Adult Medical Program (AMP) coverage for August thru October 2011.

4. In December 2012, the AHR requested that the Department submit an override to activate retro MA coverage for the Claimant for August through October 2011 the period the Claimant was in the hospital.
5. On February 19, 2013 the Department received a written hearing request from the AHR concerning the processing of Claimant's retro MA application.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained in the 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.

For all programs, the date of application is the date that the local office receives the required minimum information on an application or the filing form. BAM 110 (May 2012), p. 4. DHS is to record the date of application on the application or filing form. *Id.* In this case the AHR asserts that an MA application with request for retro MA to August 2011 was submitted to the Department on November 9, 2011 on behalf of Claimant. The Department approved the Claimant for MA coverage for November 2011 but failed to process the request for retro MA. The AHR submitted as evidence a copy of the retro MA application and a document on company letterhead with the Claimant's name and other relative information indicating MA application with a date stamp of November 9, 2011.

In December 2012, the AHR sent an email to the Department to prompt the processing of the retro MA coverage to August 2011 but received no response. The Department asserts the Claimant had medical coverage for the months in question August through October 2011, and as a result the matter was resolved. The coverage, however, was for the Adult Medical Program (AMP). Claimant was admitted into the hospital in August 2011 and needed full MA coverage. AMP does not cover hospital admissions. Evidence indicates the Department received Claimant's November 2011 application for MA, which was approved. It is not clear on this record, if the Department processed the Claimant's request for retro MA to August 2011. The Department has the burden of establishing by a preponderance of the evidence that it acted in accordance with policy. It did not meet its burden in this case. The Department presented insufficient testimony and or documentary evidence to support a finding that the Department properly processed the Claimant's request for retro MA coverage to August 2011.

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 establish that it acted properly in the processing of the Claimant's application for retro MA to August 2011.

Accordingly, the Department's MA action is hereby, **not UPHELD**.

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

1. The Department shall reinstate the Claimant's November 9, 2011 MA application to include retro MA to August 2011 and process in accordance with department policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/12/2013

Date Mailed: 6/12/2013

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

201330501/MH

P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

