

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-57269
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: August 26, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. The Department of Human Services (Department) did not participate in the hearing.

ISSUE

Did the Department properly process Claimant's August 8, 2012, application for retroactive Medical Assistance (MA) coverage to March 2012?

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 May 3, 2012, Claimant applied for MA benefits.
2. On June 25, 2012, the Department denied Claimant's application.
3. On August 2, 2012, the Social Security Administration (SSA) approved Claimant for Supplemental Security Income (SSI) effective April 2012.
4. On August 8, 2012, Claimant's AHR filed an application for retroactive coverage to March 2012.

5. On September 18, 2012, Claimant's AHR filed a request for hearing asking that the Department process Claimant's application for retroactive MA coverage.

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), and Department of Human Services 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 is noted that the Department did not participate in this hearing. The hearing was scheduled as a three-way telephone hearing for 9:30 a.m. After the AHR contacted the Michigan Administrative Hearing System (MAHS) to inform MAHS that it was ready to proceed with the hearing, MAHS called and emailed the Department beginning at 9:30. The Department did not call in, and the hearing commenced at 10:30 a.m. with Claimant's AHR as the sole party-participant.

The AHR filed the hearing request to prompt the Department to process a retroactive application for MA coverage filed on Claimant's behalf on August 8, 2012. Retroactive MA coverage is available back to the first day of the third calendar month prior to entitlement to SSI. BAM 115 (May 2012), p. 9. The Department must approve or deny an MA application within 45 days (or 90 days if disability is an eligibility factor). BAM 115, pp. 12-13.

At the hearing, the AHR established that (1) on August 2, 2012, the SSA approved Claimant for SSI benefits as of April 2012, and (2) on August 8, 2012, the AHR filed a retroactive MA application seeking MA coverage for Claimant for March 2012 and April 2012. The AHR testified that it had not received any notice concerning its retro MA application, specifically with respect to MA coverage for March 2012. Because the Department was not present at the hearing, it was unable to refute the AHR's evidence that it had failed to process the retroactive application in accordance with Department 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 did not act in accordance with Department policy when it failed to process Claimant's August 8, 2012, retro MA application.

Accordingly, the Department's MA 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. Register Claimant's August 8, 2012, retroactive MA application;
2. Begin reprocessing the application in accordance with Department policy and consistent with this Hearing Decision;
3. Provide Claimant with MA coverage he is eligible to receive, if any, from March 1, 2012, ongoing; and
4. Notify Claimant and the AHR in writing of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 28, 2013

Date Mailed: August 29, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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.

2013-57269/ACE

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

ACE/pf

cc:

