

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

IN THE MATTER OF:

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Reg. No.: 2013-61714
Issue No(s): 2004
Case No.: ██████████
Hearing Date: February 18, 2014
County: Wayne (15)

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 February 18, 2014, from Detroit, Michigan. Claimant was not present for the hearing. Participants on behalf of Claimant included his Authorized Hearing Representative, ██████████
██████████ Participants on behalf of the Department of Human Services (Department) included ██████████ Contact Worker.

ISSUE

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

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 October 25, 2012, ██████████ submitted an application for retroactive MA benefits for the months August 2010, September 2010, and October 2010, on behalf of Claimant. (Exhibit A)
2. On August 1, 2013, Claimant filed a hearing request, disputing the Department's actions and requesting that the Department properly process the MA application.

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 the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (May 2013), p. 13. Retro MA coverage is available back to the first day of the third calendar month prior to the entitlement for SSI. BAM 115, p. 11. The Department is to certify program approval or denial of the application within 45 days and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 13, 18; BAM 220 (November 2012), p. 1.

In this case, on November 24, 2010, █████ submitted an application for MA on behalf of Claimant, seeking retroactive MA benefits. On March 19, 2013, Claimant submitted a hearing request concerning the Department's failure to process the November 24, 2010, MA application. Prior to commencement of the hearing, Claimant's hearing request was withdrawn, as the Department activated MA benefits for Claimant effective November 2010, based on an SSI Award Letter dated October 11, 2012, which approves Claimant for SSI, effective November 2010. (Exhibit A, pp.5-11). Although Claimant was approved for MA benefits effective November 2010 based on his SSI award, coverage for the retroactive months was not activated, as it had been denied by the Medical Review Team.

After receiving the SSI Award Letter, on October 25, 2012, █████ submitted an application for retroactive MA benefits for the months August 2010, September 2010, and October 2010, on behalf of Claimant. (Exhibit A, pp. 3-4). At the hearing, the Department testified that it did not have a retroactive MA application from October 25, 2012, on file for Claimant, and that because eligibility for the retroactive period was already determined by MRT with the November 24, 2010, MA application, it was not determined again after the SSI award. The Department testified that the October 25, 2012, application was not registered or processed.

The Department acknowledged that had it received the October 25, 2012, retroactive MA application, the Department would have processed the application and sent it to the

MRT again so a new disability determination could be made for the August 2010, September 2010, and October 2010 months.

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 the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's October 25, 2012, retroactive MA application.

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 October 25, 2012, application for MA, retroactive to August 2010, September 2010, and October 2010, 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 August 2010, 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: February 26, 2014

Date Mailed: February 27, 2014

NOTICE OF APPEAL: 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.

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).

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.

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

ZB/tm

cc:

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