

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013 69329
Issue No(s): 2004
Case No.: ██████████
Hearing Date: January 16, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 January 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, (AHR) ██████████. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department fail to process the May 27, 2010 application for Medical Assistance and retroactive application dated August 4, 2010 for the months of February, March and April 2010?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant's AHR requested a hearing on September 9, 2013 requesting that a May 27, 2010 application for medical assistance with retroactive coverage to February 2010 be processed or reprocessed. Exhibit 1
2. At the hearing the Department did not have the application and could not locate any record of the application for medical assistance dated May 27, 2010.
3. After the hearing the Claimant's AHR faxed a copy of an August 8, 2010 application and retro application for February 2010. Exhibit 1. Pp.1-29.

4. As part of the faxed Exhibit 1 two authorizations (release of information and authorization to represent) signed by the Claimant on 3/19/10 were provided.
5. As part of Exhibit 1 a fax confirmation was provided dated May 27, 2010 indicating a fax was sent to Inkster District Office referencing an application for the Claimant [REDACTED] consisting of 7 pages. Exhibit 1 pp. 8.
6. A hearing summary dated January 4, 2013 prepared by the Department was also submitted by the AHR which acknowledged that a May 27, 2010 application was submitted by [REDACTED] seeking retro coverage to February 2010 and that the application was never sent to the Medical Review Team for processing. Exhibit 2

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, the issue in this case involves whether the Department failed to process an application preserved by a filing form dated May 27, 2010 with retroactive coverage to February 2010. . An August 4, 2010 an application for Medical Assistance and retroactive Medical Assistance application (February, March and April 2010) was provided by the Claimant's AHR. Exhibit 1.

Also presented after the hearing as part of the AHR's submission was a hearing summary prepared by the Department dated January 4, 2013 in response to a July 9, 2012 hearing request by the Claimant's AHR. The Department's hearing summary states that "An application for Medicaid disability was submitted by [REDACTED] on behalf of [REDACTED] on May 27, 2010 along with a retroactive application requesting coverage going back to February 2010. Applications were never sent to the Medical Review Team for processing. DHS will re-register the applications and send out verification requests to [REDACTED] to provide documentation of disability". Exhibit 2. The individual preparing the hearing request was not present at the hearing. It is also noted that there were numerous case workers assigned to this case at various times which made the record presented confusing.

Although not discussed at the hearing, a review of the fax submissions by the Claimant's AHR received after the hearing disclosed that a probate inventory had been prepared for the Claimant and provided to the Department as part of a verification. Exhibit 4, pp.50

Based upon the evidence presented and the testimony of the parties, it is determined that the Department did not process the August 8, 2010 application filed pursuant to a May 27, 2013 filing form and that the Department acknowledged in its hearing summary dated January 4, 2013 that such an application was submitted, and would be re-registered. Therefor although the Department had no records establishing the application or records in its Bridges system, the evidence has established that an application was filed on May 27, 2010 and was apparently lost or misplaced by the Department and therefor it was never processed or re registered as represented in its hearing summary of January 4, 2013. The receipt of a filing form requires that the Department register the form to preserve the filing date. Any application on the DHS-1171, Filing Form, with the minimum information, must be registered in Bridges; see BAM 110, Response to Applications. BAM 115, pp. 1 (7/1/13).

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 that the Department

did not act in accordance with Department policy when it failed to process the August 4, 2010 application filed pursuant to a May 27, 2010 filing form.

DECISION AND ORDER

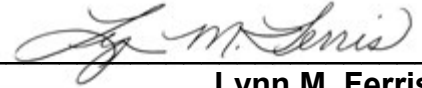
Accordingly, the Department's decision is

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. The Department shall re register the May 27, 2010 application and August 8, 2010 application and retroactive application and process the applications to determine Claimant's eligibility for Medical Assistance.
2. As part of its determination regarding the applications the Department shall determine if [REDACTED] is currently authorized to represent the Claimant in this matter in light of the probate inventory provided to the Department suggesting that the Claimant is now deceased.
3. The Department shall advise the Claimant's AHR [REDACTED] [REDACTED] of its determination regarding eligibility and provide it copies of all notices of case

actions issued as part of its determination, and provide the AHR with all written correspondence with regards to its request for verifications, if any, and any other communications.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]