

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-8972
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 15, 2014
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on January 15, 2014, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Medical Assistance (MA) eligibility for 4/2012.

FINDINGS OF FACT

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

1. Claimant was hospitalized in 4/2012.
2. On an unspecified date, DHS determined that Claimant was eligible for Medicaid subject to an unspecified deductible for the benefit month of 4/2012.
3. On an unspecified date, DHS approved Claimant for Medicaid for 4/2012 beginning the date of [REDACTED]/12.

4. On [REDACTED]/13, Claimant requested a hearing to dispute the failure by DHS to begin Claimant's Medicaid coverage beginning [REDACTED]/12.

CONCLUSIONS OF LAW

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

Prior to a substantive analysis of the hearing request, it should be noted that the request noted special arrangements in order for Claimant to participate and/or attend the hearing; specifically, a telephone hearing was requested. The request was granted and the hearing was conducted accordingly.

Claimant requested a hearing to dispute a failure by DHS to process Medicaid for Claimant beginning [REDACTED]/12. It was not disputed that Claimant was eligible for Medicaid for 4/2012 (subject to a deductible) and that DHS processed Medicaid for Claimant beginning [REDACTED]/12.

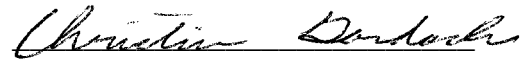
When one of the following equals or exceeds the group's excess income for the month tested, income eligibility exists for the entire month:

- Old bills (defined in EXHIBIT IB)
 - Personal care services in clients home, (defined in Exhibit II), Adult Foster Care (AFC), or Home for the Aged (HA) (defined in EXHIBIT ID).
 - Hospitalization (defined in EXHIBIT IC).
 - Long-term care (defined in EXHIBIT IC).
- BEM 545 (7/2011), p. 1.

It was not disputed that Claimant was hospitalized in 4/2012. It is presumed that Claimant's hospital expenses exceeded his deductible though neither amount was verified. DHS did concede that Claimant was entitled to a Medicaid begin date of [REDACTED]/12. Accordingly, it is found that DHS erred by not determining Claimant's Medicaid eligibility beginning [REDACTED]/12 for the benefit month of 4/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's Medicaid eligibility for 4/2012. It is ordered that DHS approve Claimant for Medicaid beginning [REDACTED]/12 for the benefit month of 4/2012. The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 24, 2014

Date Mailed: January 24, 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

CG/tlf

cc:

