

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201415411
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: February 18, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative for [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's May 30, 2013 Medical Assistance (MA) application with request for retroactive coverage to February 2013. ?

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 30, 2013, Claimant's AHR filed an application for MA benefits for Claimant, with request for retroactive coverage to February 2013.
2. The AHR was identified as Claimant's authorized representative in the application.
3. On June 18, 2013, the Department sent Claimant a Verification Checklist (VCL) with a June 28, 2013 due date.

4. On July 12, 2013, the Department sent Claimant a Notice of Case Action denying his eligibility for Medicare Savings Program benefits because of excess income and because he had failed to respond to the June 18, 2013 VCL.
5. On July 12, 2013, the Department sent Claimant a Verification Checklist (VCL) with a July 22, 2013 due date.
6. On August 13, 2013, the Department sent Claimant a Notice of Case Action denying his eligibility for MA.
7. On November 14, 2013, the AHR filed a request for hearing contending that the Department had failed to process Claimant's 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, the Department acknowledged Claimant's MA application, with request for retroactive coverage to February 2013, was filed on May 30, 2013 and that the AHR was listed as Claimant's authorized representative in the May 30, 2013 application. While there was some initial confusion regarding whether the VCLs and Notices of Case Action provided with the Department's hearing packet concerned the processing of the May 30, 2013, application, further testimony from the Department established that they did concern that application. The Department established that it sent Claimant VCLs on June 18, 2013 and July 12, 2013 and Notice of Case Action denying his MSP and MA eligibility on July 12, 2013, and August 13, 2013, respectively. However, it acknowledged that neither the VCLs nor the Notices of Case Action were sent to the AHR as Claimant's authorized representative.

The authorized representative assumes all the responsibilities of a client. BAM 110 (July 2013), p. 9. Accordingly, the Department should send all correspondence concerning the client's case to the authorized representative. Because the Department did not send the VCLs requesting verifications to determine Claimant's MA eligibility and Notices of Case Action denying Claimant's MA application to the AHR, acting as authorized representative, the Department did not act in accordance with Department policy when it processed Claimant's MA case.

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. Reregister and reprocess Claimant's May 30, 2013, MA application with request for retroactive coverage to February 2013;
2. Provide Claimant with any MA coverage he is eligible to receive from February 1, 2013, ongoing; and
3. Notify Claimant and the AHR in writing of its decision.



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

Date Signed: March 7, 2014

Date Mailed: March 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.

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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

ACE/tlf

cc:

