

**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.: 2014-21172
Issue No(s): 2004
Case No.: ██████████
Hearing Date: March 26, 2014
County: Wayne (19)

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 March 26, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her Authorized Hearing Representative, ██████████ Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

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 July 5, 2013, L&S submitted an application for MA on behalf of Claimant, retroactive to May 2013. (Exhibit 4)
2. On July 12, 2013, the Department sent Claimant a Notice of Case Action informing her that she was approved for MA benefits for the period January 1, 2013, through January 31, 2013. (Exhibit 5)

3. On December 11, 2013, Claimant filed a hearing request, disputing the Department's actions and requesting that the Department properly process the MA application and determine eligibility for MA from May 2013, ongoing.

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 (July 2013), p. 15. 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. 13-25; BAM 220 (July 2013), pp. 1,19-20.

The custodial parents of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (July 2013), pp. 1. A client's cooperation with paternity and obtaining child support is a condition of MA eligibility. BEM 255, pp. 1, 9-11. Cooperation is required in all phases of the process to establish paternity and obtain support and includes providing all known information about the absent parent. BEM 255, p 8. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for MA. BEM 255, pp. 9-11.

In this case, on July 5, 2013, █████ submitted an application for MA on behalf of Claimant, seeking retroactive MA benefits to May 2013. On December 11, 2013, Claimant submitted a hearing request concerning the Department's failure to properly process the application. At the hearing, the Department testified that the application was received but that it could not be processed because Claimant was subject to a child support disqualification. The Department stated that Claimant was informed in March

2011 that she was subject to a child support disqualification and was informed to contact the office of child support at that time. (Exhibit 1). The Department testified that because Claimant was previously notified to contact the office of child support in March 2011, she was put on notice of the disqualification and the Department was not required to notify her of the child support sanction when she applied for MA in July 2013.

According to BEM 255 however, the Department is to ask a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. BEM 255, pp.14-15. The Department failed to give Claimant the opportunity to cooperate when the application was submitted in July 2013, as it failed to process the application in accordance with Department policy and instead relied on information sent to Claimant in 2011.

At the hearing, Claimant credibly testified that she had previously contacted the office of child support and provided all of the information available to her concerning the fathers of her children. With respect to the father of Claimant's daughter, Claimant provided his name, date of birth, and physical description on the record and further stated that she had also provided the office of child support with his social security number, which she has on file at her home. Claimant stated that the father of her daughter lives in her home and that he is a group member on another one of her cases with the Department. Claimant provided details of his identity on the record as well. A representative from the office of child support was not present for the hearing and Claimant's testimony remained unrebutted. Under the facts presented, the Department has failed to establish that Claimant was in noncooperation with child support requirements.

Additionally, Claimant's AHR testified that [REDACTED] never received any notice or communication from the Department regarding the MA application and that [REDACTED] was never informed of the child support disqualification or the Department's decision with respect to the application. The Department confirmed that a Notice of Case Action addressing Claimant's eligibility for MA from May 2013, ongoing was not sent to Claimant or her representative [REDACTED]. Claimant's AHR raised additional concerns regarding the Notice of Case Action dated July 12, 2013. The Department remained unable to explain how MA was approved for the month of January 2013, if Claimant was subject to a child support disqualification at that time. (Exhibit 5).

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 July 5, 2013, MA application, retroactive to May 2013.

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. Remove the child support sanction/disqualification imposed on Claimant's cases;
2. Register and process Claimant's July 5, 2013, application for MA, retroactive to May 2013, to determine Claimant's eligibility for MA benefits;
3. Issue supplements to Claimant for any MA coverage that she was entitled to receive but did not from May 2013, ongoing; and
4. Notify Claimant and [REDACTED] of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 1, 2014

Date Mailed: April 1, 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.

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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]