

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21585
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Oakland-02

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 April 3, 2014 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Authorized Hearing Representative (AHR) from [REDACTED]). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Assistance Payments Worker/Eligibility Specialist).

ISSUE

Did the Department properly determine Claimant's eligibility for Medical Assistance (MA) for the month of February, 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. On February 12, 2010, the Department mailed Claimant a Notice of Case Action (DHS-1605) which approved Claimant for an MA deductible in the amount of \$445.00 for the period of February 1, 2010 ongoing.
2. On June 18, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which indicated that Claimant's MA deductible had been met for the period of February 1, 2010 through February 28, 2010. The DHS-1605 also indicated, "Your deductible amount has changed effective for the dates indicated above: However you are responsible for paying for these services received on 02/01/2010." The notice indicated the Provider name was "Provider 1" and that Client Liable Amount is \$ [REDACTED]

3. On January 2, 2014, Claimant's AHR requested a hearing to "prompt the Department to enter correct Medicaid coverage on the system."

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.

Here, the parties do not dispute the salient facts. Claimant's AHR indicates that the request for hearing was due to the Department's failure to provide evidence that Claimant had proper MA coverage for the period of February 1, 2010 through February 28, 2010. The Department representative who attended the hearing testified that Claimant did have MA coverage for the period in question, but that the Department of Community Health (DCH) either refused or was unable to process Claimant's MA coverage. Claimant's AHR stated that the hospital's billing system does not show that Claimant has MA coverage for the time period in question. The Department's representative confirmed that Bridges interface indicates Claimant has MA coverage; however there may be a lack of coordination between the DHS and DCH. The Department representative stated that a Department of Technology Management and Budget (DTMB) remedy help desk ticket was needed to obtain proper MA coverage for Claimant.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. During the hearing, the parties demonstrated that there was no longer a dispute for the Administrative Law Judge to decide. Both parties agreed that Claimant was entitled to MA coverage for the period of February 1, 2010 through February 28, 2010. Both parties also agreed that a computer problem existed that

prevented the DCH from processing Claimant's MA coverage for this time period. Both sides requested the Administrative Law Judge issue an order which requests the Department obtain a DTMB remedy ticket to obtain MA coverage for February 1, 2010 through February 28, 2010. The parties also request the Administrative Law Judge ask the Department to obtain a 1038 approval for MA coverage for February 1, 2010 through February 28, 2010.

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 processed Claimant's MA coverage for February 1, 2010 through February 28, 2010.

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 initiate a DTMB remedy ticket to obtain Claimant's MA coverage for the period of February 1, 2010 through February 28, 2010.
2. The Department shall initiate a request for a 1038 approval for February, 2010 in this regard.

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 18, 2014

Date Mailed: April 18, 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

CAP/las

cc:

