

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21897
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: March 26, 2014
County: Washtenaw (20)

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, an in-person hearing was held on March 26, 2014, from Ypsilanti, Michigan. Participants included [REDACTED]. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly failed to process Medical Assistance (MA) coverage for Claimant for the months of 2/2012-3/2013.

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 [REDACTED], Claimant applied for MA benefits, including retroactive MA benefits from 2/2012.
2. On an unspecified date, DHS denied Claimant's MA application and Claimant requested a hearing to dispute the application denial.
3. On [REDACTED], an administrative hearing decision ordered DHS to evaluate Claimant's MA eligibility for MA benefits on the basis that Claimant is a disabled individual and to initiate a supplement for any benefits not issued as a result of the improper denial.

4. On an unspecified date, DHS determined that Claimant was eligible for Medicaid for the months of 2/2012-3/2013.
5. As of the hearing date, DHS failed to issue Medicaid benefits o Claimant for the months of 2/2012-3/2013.
6. On [REDACTED], Claimant's AHR requested a hearing to dispute the failure by DHS to issue Medicaid benefits to Claimant for the months of 2/2012-3/2013.

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).

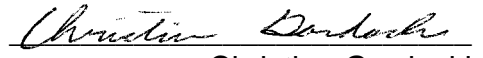
Claimant's AHR requested a hearing to dispute a failure by DHS to issue Medicaid benefits to Claimant for the months of 2/2012-3/3013. DHS conceded that an administrative decision ordered DHS to determine Claimant's eligibility for Medicaid based on a claim of disability. It was not disputed that DHS complied with the order. The administrative decision also ordered DHS to initiate a supplement of any benefits improperly not issued. It was not disputed that DHS failed to comply with this specific order. The local office has 10 days from the date an administrative decision is mailed from MAHS to implement a decision and order. BAM 600 (7/2013) p. 8.

DHS presented credible testimony that additional technical assistance is required before Medicaid benefits can be issued to Claimant. Though local DHS office personnel have competently attempted to issue Medicaid to Claimant, the benefits were not issued. It is found that DHS failed to comply with the administrative order dated [REDACTED] concerning issuance of Medicaid benefits to Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to issue Medicaid benefits to Claimant for the months of 2/2012-3/2013. It is ordered that DHS issue Medicaid benefits to Claimant for the months of 2/2012-3/2013.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 4/11/2014

Date Mailed: 4/11/2014

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/w

cc:

