

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

IN THE MATTER OF:

██████████
██████████████████
████████████████████

Reg. No.: 2014-2401
Issue No(s): 2004
Case No.: ██████████
Hearing Date: March 26, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 the Claimant's Authorized Hearing Representative (AHR) ██████████. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Supervisor.

ISSUE

Did the Department fail to process the Medical bill for March, April and May 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. The Claimant's AHR requested a hearing on November 5, 2013 requesting that the Department process medical bills for payment for the months of March, April and May 2013. As part of the hearing request ██████ attached the medical bills for these months that it seeks to have processed. Exhibit 1 pages 1-15.
2. At the hearing the Department did not have the case file but the AHR indicated that the case was an ongoing Medical Assistance case with a deductible case.
3. The Department conceded that it did not process the bills and in its hearing summary dated September 27, 2013 indicated that it would process the bills but had not done so as of the hearing date.

4. A hearing summary dated December 13, 2013 acknowledged that as of that date the caseworker requested that a copy of the application be faxed and that a determination regarding eligibility would be made.
5. On November 5, 2013 the Claimant's AHR requested a hearing requesting that the Department process the medical bills for March, April and May 2013.

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 issue in this case involves whether the Department failed to process a medical bills on an open medical assistance case for March, April and May, 2013. The Department conceded in its Hearing Summary dated September 27, 2013 that it would process the bills and raised no impediment to processing, except that at the hearing the case file and hearing summary were not available. Because the Department had no records of the case at the hearing available, the undersigned faxed to the Department the [REDACTED] Hearing Request and the relevant medical bills which were attached. The Department indicated it would process the medical bills upon their receipt.

Based upon the evidence presented and the testimony of the parties, it is determined that the Department did not process the medical bills for March, April and May 2013 and has not processed the bills as of the date of the hearing and no excuse was offered. .

Therefore, although the Department had no records at the hearing, the evidence did establish that the medical bills were provided to the Department on several occasions with requests to process and that the Department has failed to do so. Based upon the evidence presented, it is determined that the Department must process the medical bills.

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 failed to process the medical bills for March, April and 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. The Department shall process the medical bills attached to the [REDACTED] hearing request for March April and May, 2013 and determine eligibility.
2. The Claimant's AHR shall re-fax the Medical Bills if not already received by the Department after the hearing.
3. The Department shall advise the Claimant's AHR, [REDACTED], of its determination regarding eligibility and provide L&S written notice of its determination including any and all notices of case actions issued as part of its determination, and provide the AHR copies of all written correspondence.


Lynn M. Ferris
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.

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

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]