

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000801
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 8, 2014
County: Jackson

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 May 8, 2014 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's Authorized Hearing Representative (AHR) from [REDACTED]). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly process Claimant's medical bills for purposes of her Medical Assistance (MA) or "Medicaid" deductible case?

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 April 2, 2013, Claimant's AHR submitted an assistance application (DHS-1171) seeking MA benefits and a Retroactive Medicaid Application (DHS-3243) along with bills for medical expenses from January, 2013.
2. On August 14, 2013, the Department mailed Claimant's AHR a Notice of Case Action (DHS-1605) which approved Claimant for MA with a deductible in the amount of \$ [REDACTED] for the period of January 1, 2013 through January 31, 2013. The DHS-1605 also indicated, among other things, that Claimant's Group 2 Caretaker Relatives Medicaid was denied for December 1, 2012 through December 31, 2012 due to noncompliance with child support requirements.

3. On March 17, 2014, Claimant's AHR requested a hearing to compel the Department to determine Claimant's proper MA eligibility and to process the medical bills for January, 2013 MA coverage.

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, Claimant's AHR and the Department did not have an active dispute in this matter. Claimant's AHR alleged that Claimant was active for an MA deductible case and sought MA coverage for January, 2013. The Department conceded that a Bridges error has occurred relative to Claimant's MA case. Specifically, the Department indicated that Claimant was approved for an MA with a deductible but that Bridges will not add coverage due to a noncompliance with child support sanction. The Department worker who attended the hearing opined that the Department should afford Claimant with proper MA coverage based on the DHS-1605 that was issued. The Department attempted to resolve the issue by requesting a DTMB help desk remedy ticket and also by inquiring with the MA policy unit for a policy clarification. As of the time of the hearing, the Department was unable to resolve the issue.

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. According to the notice of case action, the Department certified on August 14, 2013 that Claimant was active for an MA deductible in the amount of \$1,895.00 for January, 2013. The records showed that Claimant met her deductible as of January 24, 2013 but that Bridges indicated that Claimant was in noncooperation with child support since April 2, 2012. The Department caseworkers attempted to conduct a Bridges "override" to establish that Claimant met her MA

deductible for January, 2013. The Department obtained a ticket BR#0035246 to correct the matter. The hearing records also contained email correspondence to the MA Policy Unit inquiring about how to best proceed. As of the date of the hearing, the MA Policy Unit failed to respond.

Because the Department and Claimant's AHR do not disagree about whether Claimant is eligible for MA and has met the deductible for January, 2013, this Administrative Law Judge finds that the Department should provide Claimant with proper MA coverage. 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 Claimant's January, 2013 medical bills toward her deductible.

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. If not already done, the Department shall expedite the pending ticket (BR# [REDACTED])
2. The Department shall process Claimant's January, 2013 medical bills toward the deductible case and if the expenses exceed the MA deductible amount, active her MA coverage.
3. To the extent required by policy, the Department shall provide Claimant with retroactive and/or supplemental benefits.

IT IS SO ORDERED.



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

Date Signed: **5/13/2014**

Date Mailed: **5/13/2014**

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