

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-11838
Issue No(s): 2004
Case No.: [REDACTED]
Hearing Date: March 13, 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 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), [REDACTED] from [REDACTED] ([REDACTED]). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits?

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 28, 2012, Claimant's AHR filed a filing form indicating the intent to file an MA application. (Exhibit A, pp.1-6)
2. On June 14, 2012, Claimant's AHR, acting as Claimant's authorized representative, filed an MA application, with retroactive coverage to November 2011. (Exhibit A, pp. 7-69)
3. On November 4, 2013, Claimant's AHR 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 November 2011, 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, a filing form is used to protect a client's application date. BAM 110 (December 2011), pp.1-2, 4, 6, 9, and 16. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110, p.4. Retroactive MA coverage is available back to the first day of the calendar month prior to the current or most recent application for MA applicants. BAM 115 (December 2011), p. 9.

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 (December 2011), pp. 1, 12-13. 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, 18-19; BAM 220 (January 2011), p. 1.

In this case, on February 28, 2012, Claimant's AHR filed a filing form indicating the intent to file an MA application based on a Facility Admission Notice for hospital services rendered in November 2011 and December 2011. (Exhibit A, pp. 2-6). On June 14, 2012, Claimant's AHR, acting as Claimant's authorized representative, filed a MA application, with retroactive coverage to November 2011, based on the preserved date of the February 28, 2012, filing form. (Exhibit A, pp. 7-69). Claimant's AHR testified that [REDACTED] never received any notice or communication from the Department regarding the Department's decision with respect to the application.

At the hearing, the Department testified that it did not have a record of the filing form or the subsequent MA application submitted by [REDACTED]. The Department stated on April 24, 2013, it received a MA application for Claimant that was registered and processed, but that a MA application prior to that date was not received. (Exhibit 1, pp.15-27). The Department's testimony is in direct conflict with the documents it presented for review, however. The Department remained unable to explain how or why a Verification Checklist dated August 6, 2012, was issued to Claimant in connection with his eligibility

for MA, or how the Eligibility Summary provided shows that MA eligibility for November 2011, December 2011, and January 2012 is pending, if an application for MA prior to April 2013, was never received. (Exhibit 1, pp. 30-31, 39). The Department was unable to provide any information or supporting evidence concerning the status of the February 28, 2012, filing form, the June 14, 2012, MA application and whether or not the Department made a decision with respect to the application and sent Claimant and [REDACTED] notice. The Department testified that if [REDACTED] resubmits the application and supporting documents, the Department would register and process the application to determine Claimant's eligibility for MA.


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA benefits.

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. Register and process Claimant's June 14, 2012, MA application, applying a February 28, 2012, application date, with retroactive coverage to November 2011;
2. Provide Claimant with MA coverage he is eligible to receive, if any, from November 2011, ongoing; and
3. 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 3, 2014

Date Mailed: April 3, 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

ZB/tlf

cc:

