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

IN THE MATTER OF:



Reg. No.: Issue No(s).: Case No.: Hearing Date: County:

2014-16929 2009

April 30, 2014 Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on April 30, 2014, from Sterling Heights, Michigan. Participants on behalf of Claimant included Claimant methods. Participants on behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

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

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 17, 2012, Claimant filed an application for MA benefits including a request for retro MA.
- 2. On March 19, 2013, the Department approved MA benefits effective November 2012.
- 3. On June 24, 2013, a hearing request was filed.
- 4. On September 4, 2013, an administrative hearing was held.
- 5. On September 24, 2013, a decision and order was issued instructing the Department to process Claimant's February 17, 2012, application for MA benefits.

- 6. On December 3, 2013, Claimant's representative filed a new hearing request.
- 7. On December 6, 2013, the Department emailed the medical back to the Medical Review Team (MRT) for a determination for the February 17, 2012 application.

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.

In the instant case, the Department testified and presented evidence at hearing that demonstrated Claimant's February 2012 application had been emailed back to the MRT on December 6, 2013. The Department testified they were not sure if MRT had made a determination after the request was made. The Department agreed to follow up on the request to process and issue the proper notice of case action regarding the February 17, 2012, application for MA benefits. Claimant's representative was satisfied with Department's offer to follow up and issue a proper notice of case action.

DECISION AND ORDER

Accordingly, the Department's decision is PARTIALLY 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. Follow up on the status of the December 6, 2013, email to MRT,
- 2. Issue a notice of case action regarding the February 17, 2012, application request.

/ Jonathan W. Owens Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: May 7, 2014

Date Mailed: May 7, 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

JWO/pf

