

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-23182
Issue No(s): 2004
Case No.: [REDACTED]
Hearing Date: March 26, 2014
County: Wayne (18)

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 26, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payment Supervisor.

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 July 18, 2013, [REDACTED] submitted an application for MA on behalf of Claimant, retroactive to April 2013. (Exhibit A)
2. On October 28, 2013, the Department sent [REDACTED] a Notice of Case Action informing it that Claimant was approved for MA under the Ad Care program effective October 1, 2013, ongoing. (Exhibit A, pp.10-11)
3. On January 14, 2014, [REDACTED] filed a hearing request on behalf of Claimant, disputing the Department's actions and requesting that the Department properly process the MA application and determine Claimant's eligibility for MA from April 2013, 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, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2013), p.5. 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 (July 2013), p. 11-12. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115, pp. 1,15- 16.

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; BAM 220 (July 2013), p. 1.

In this case, on July 18, 2013, █████ submitted an application for MA on behalf of Claimant, retroactive to April 2013. (Exhibit A). The Department testified that it did not have a record of the July 18, 2013, MA application and stated that the only application it had on file was one received October 24, 2013, which it registered and processed. The Department testified that in response to the October 24, 2013, application, it sent █████ a Notice of Case Action informing it that Claimant was approved for MA under the Ad Care program effective October 1, 2013, ongoing. (Exhibit A, pp.10-11)

Claimant's AHR testified that the application received by the Department on October 24, 2013, was not a new application for MA, but rather, was a reconstructed application of what was previously submitted on July 18, 2013. Claimant's AHR presented documentation in support of its testimony, specifically a Fed Ex confirmation that an application was received by the Department on July 18, 2013, as well as a letter sent to the Department dated October 22, 2013, which states in part "Taylor District is unable to locate the application filed on July 18, 2013. We have reconstructed the file. Please process the application using 7/18/2013 as the filing date." (Exhibits A, pp.13-19, and C). The Department acknowledged that on October 24, 2013, it received the above

referenced letter. Claimant's AHR argued that the Department should have determined Claimant's eligibility as of the original application date of July 18, 2013, with retro MA to April 2013.

Claimant's AHR also provided a letter from the Social Security Administration (SSA) dated October 15, 2013, which notified Claimant that it found him disabled as of April 8, 2012, and entitled to Retirement, Survivors and Disability Insurance (RSDI) disability benefits beginning October 2012. (Exhibit A, pp. 4-9). Because a person eligible for RSDI benefits based on his disability or blindness meets the disability or blindness criteria and disability or blindness starts from the RSDI disability onset date established by the SSA, the Department is only required to verify that Claimant meet the non-medical criteria for MA eligibility. BEM 260 (July 2013), pp. 1-2.


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 because Claimant submitted an application for MA on July 18, 2013, seeking retroactive MA benefits to April 2013, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it approved Claimant for MA benefits effective October 1, 2013, and did not consider his eligibility as of the original application date.

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 July 18, 2013, MA application, with request for retroactive coverage to April 2013, to determine if all of the non-medical eligibility criteria are satisfied;
2. Provide Claimant with any MA coverage that he was eligible to receive but did not from April 1, 2013, ongoing; and
3. Notify Claimant and [REDACTED] in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 10, 2014

Date Mailed: April 10, 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:

