

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201423236
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: April 28, 2014
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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, an in-person hearing was held on April 28, 2014, from Madison Heights, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's March 20, 2012 application for Medical Assistance (MA) benefits with request for retroactive coverage to December 2011?

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 March 20, 2012, Claimant applied for MA with retro coverage to December 2011.
2. After the Medical Review Team (MRT) found Claimant not disabled and the Department denied Claimant's application, Claimant requested a hearing.
3. In a May 1, 2013, Hearing Decision issued in connection with registration no. 2012-61607, the presiding administrative law judge (ALJ) concluded that the Department had erred and ordered the Department to reprocess the application "dated March 20, 2013" and applicable retro period.

4. The Department activated MA coverage for Claimant for December 2012 ongoing.
5. On January 16, 2014, Claimant's AHR requested a hearing concerning the Department's failure to act on the March 20, 2012 MA 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.

Additionally, the May 1, 2013 Hearing Decision required the Department to "initiate review of the application dated March 20, 2013 and applicable retro period if not done previously, to determine Claimant's non-medical eligibility." The evidence at the hearing established that, in compliance with the express terms of the May 1, 2013 Hearing Decision, the Department activated MA coverage for Claimant for December 2012 ongoing. However, the Department acknowledged at the hearing that, when it reviewed the Hearing Decision in its entirety and Claimant's case file, it became aware that the application at issue was actually dated March 20, 2012, not 2013. The Department testified that it attempted to resolve the error by requesting a ticket but had been unable to do so.

A review of the May 1, 2013 Hearing Decision shows that the ALJ found in her findings of fact that Claimant had applied for MA and retro MA on March 20, 2012 and erroneously referenced a March 20, 2013 application in the order portion of the Hearing Decision. This is particularly evident in light of the fact that the hearing on this matter was held on October 1, 2012 and, consequently, could not address an application filed in 2013.

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 MA eligibility under the March 20, 2012 application and retroactive MA eligibility to December 2011.

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. Reregister and reprocess Claimant's nonmedical eligibility for MA under the March 20, 2012 MA application and retroactively to December 2011;
2. Provide Claimant with MA coverage he is eligible to receive from December 2011 ongoing; and
3. Notify Claimant and the AHR in writing of its decision.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 12, 2014

Date Mailed: May 12, 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:

2014-23236/ACE

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

ACE/tlf

cc:

