

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

IN THE MATTER OF:



Reg. No.: 14-000823
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: May 27, 2014
County: WAYNE-17

ADMINISTRATIVE LAW JUDGE:

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 telephone hearing was held on May 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant's Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly process the Claimant application for Medical Assistance and Retro Active Medical Assistance dated November 7, 2013?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant filed an application for Medical Assistance and Retro medical assistance on November 7, 2013. The application and retro application were not processed.
2. The Department records could not substantiate that the Claimant had been added to the Claimant's spouse open MA case effective October 30, 2013.
3. The Claimant's AHR requested a hearing on March 31, 2014 protesting the failure of the Department to process the November 7, 2013 application for MA and retro MA.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, in this case the Department did not dispute that an MA and Retro MA application were filed by the AHR on November 7, 2013, and that the application for MA with retro MA was not processed. The Department testified that the reason that it did not process the November 7, 2013 application was because it added the Claimant to an existing case (case no. 10251468) and group, and that Claimant should have had medical assistance as of October 30, 2013. The Department could not provide any proof, such as an eligibility summary, that would demonstrate that the Claimant had been added to an existing MA case. Based upon the proofs presented, the Department did not sustain its burden to show that its failure to process the November 7, 2013 application for MA and retro MA was correct. While the Department attempted to add the Claimant to an existing MA case that included his spouse and family, it did not appear that Claimant had been added.

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 failed to process the November 17, 2013 MA and retro MA application.

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. The Department shall add the Claimant to existing case 10251468, effective October 30, 2013, if not already added to the case, and determine the Claimant's eligibility for Medical Assistance. If necessary, the Department shall reconstruct a new 1171 to add the Claimant to the above case as of October 30, 2013.
2. The Department shall process the November 7, 2013 retro application for August 2013 coverage and determine the Claimant's eligibility therefore.
3. In the event the Claimant should not be deemed a correct group member for the existing case 10251468, then the Department shall process the November 7, 2013 application and retro application and determine eligibility accordingly.



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

Date Signed: **5/30/2014**

Date Mailed: **5/30/2014**

LMF/tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

