

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

IN THE MATTER OF:



Reg. No.: 2014-27744
Issue No(s): 2001
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Wayne (17)

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 April 3, 2014, from Detroit, Michigan. Claimant was not present for the hearing. Participants on behalf of Claimant included his Authorized Hearing Representative (AHR), [REDACTED] from [REDACTED], [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Medical Contact Worker.

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 16, 2012, Claimant submitted an application for MA benefits.
2. On May 8, 2013, an administrative hearing was held with respect to Claimant's February 16, 2012, application for MA benefits.
3. The hearing resulted in the Department and Claimant's AHR reaching a settlement, as the Department acknowledged that it did not properly process Claimant's MA application.
4. The Department was ordered to initiate certain actions with respect to Claimant's MA benefits.

5. On January 31, 2014, Claimant submitted a hearing request disputing the Department's actions and requesting that the Department comply with the Settlement Order and process Claimant's February 16, 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, Claimant requested a hearing regarding the Department's failure to comply with a Settlement Order with respect to Claimant's MA benefits. The Settlement Order from the May 8, 2013, hearing orders the Department to: (i) Reregister Claimant's February 16, 2012, MA application; (ii) Begin reprocessing the application in accordance with Department policy; including sending any necessary verification checklists to Claimant and Claimant's AHR; (iii) Provide Claimant with any MA coverage he is eligible to receive, if a disability is established from February 1, 2012, ongoing; and (iv) Notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy. (Exhibit A).

According to BAM 600, the Department is to implement and certify a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600 (July 2013), pp. 38-40. At the hearing, the Department representative stated that she did not have any knowledge that a prior hearing had been conducted and was unable to provide information concerning whether or not the Department had complied with the Settlement Order. The Department presented a Notice of Case Action that denies MA benefits for the month of August 2012, however, the Eligibility Summary provided does not show if MA coverage for February 2012 ongoing, was ever determined. (Exhibits 2 and 3).

Claimant's AHR testified that subsequent to the May 8, 2013, hearing, the Department initiated processing of Claimant's MA application and issued verification checklists in connection with the application, for which ██████ responded to. (Exhibit 4). Claimant's AHR testified that it did not receive any communication from the Department concerning the status of the application or whether Claimant's medical disability had been determined by the medical review team. The Department testified that it was unsure if Claimant's medical documentation was sent to the medical review team for a disability determination.

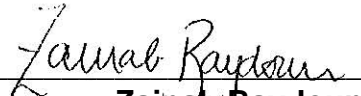
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA benefits.

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. Reregister Claimant's February 16, 2012, MA application;
2. Begin reprocessing the application in accordance with Department policy; including sending any necessary verification checklists to Claimant and Claimant's AHR;
3. Provide Claimant with any MA coverage he is eligible to receive, if a disability is established from February 1, 2012, ongoing; and
4. Notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.



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

Date Signed: April 18, 2014

Date Mailed: April 18, 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:

