

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

IN THE MATTER OF:



Reg. No.: 201430337
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 14, 2014
County: Wayne (17)

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, a telephone hearing was held on April 14, 2014, from Detroit, 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], Medical Contact Worker.

ISSUE

Did the Department fail to reprocess Claimant's December 16, 2011 Medical Assistance (MA) application with retroactive coverage to September 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 December 16, 2011, Claimant filed an MA application, with request for retroactive coverage to September 2011.
2. The Department denied the application on the basis that Claimant was not disabled, and Claimant requested a hearing on January 2, 2013.
3. A hearing was held on July 2, 2013.
4. In a Hearing Decision issued on July 9, 2013, the presiding Administrative Law Judge (ALJ) concluded that Claimant was disabled, reversed the Department's

denial of Claimant's MA application, and ordered the Department to reprocess Claimant's December 16, 2011 MA application.

5. On February 25, 2014, the AHR requested a hearing to prompt the Department to comply with the ALJ's July 9, 2013 Hearing Decision and reprocess the December 16, 2011 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 Department is required to implement a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600 (October 2012), p. 34; BAM 600 (March 2014), p. 42.

In this case, in her July 8, 2013 Hearing Decision, the ALJ concluded that Claimant was disabled and reversed the Department's denial of her MA application, ordering the Department to reprocess her December 16, 2011 application. At the hearing, both parties acknowledged that Claimant had also requested retroactive MA coverage to September 2011. The Department also testified that Claimant was approved for coverage for October 2011 and November 2011 and then for September 2012 ongoing. The Department acknowledged that Claimant was eligible for retroactive coverage for September 2011 but, because it had been unable to activate coverage itself, it had requested a ticket from Lansing to have the issue resolved.

Because Claimant's eligibility for September 2011 was not processed, the Department has failed to establish that it properly processed the ALJ's July 8, 2013 Hearing Decision. Furthermore, the eligibility summary provided by the Department does not clearly indicate that Claimant had active MA coverage for October 2011 and November 2011.

The ALJ's Hearing Decision required that the Department reprocess the application to determine if all nonmedical eligibility criteria for MA benefits were satisfied and, if so, to schedule a redetermination date for review of Claimant's continued MA eligibility in August 2014. The Department acknowledged that Claimant did not have any MA coverage between December 2011 and September 2012 but was unable to explain why Claimant's ongoing eligibility for this period had not been processed. Although the

Department testified that there had been some changes in Claimant's circumstances that would affect her financial eligibility for MA, the Department did not request any verification of income and assets from Claimant and the AHR prior to the request for hearing for purposes of assessing Claimant's nonmedical eligibility criteria in accordance with the terms of the July 9, 2013 Hearing Decision.


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 properly reprocess Claimant's December 16, 2011 application in compliance with the ALJ's July 9, 2013 Hearing Decision.

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 December 16, 2011 MA application with request for retroactive coverage to September 2011 to determine if all nonmedical eligibility criteria for MA benefits have been met;
2. Provide Claimant with MA coverage she is eligible to receive from September 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: April 30, 2014

Date Mailed: April 30, 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

ACE/tif

cc:

