

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-003382
Issue No.: 2001;2004
Case No.: [REDACTED]
Hearing Date: July 9, 2014
County: WAYNE-DISTRICT 35

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 July 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included her Authorized Hearing Representative (AHR), [REDACTED], from [REDACTED] ([REDACTED]). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

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 January 24, 2011, an administrative hearing was held with respect to Claimant's MA benefits.
2. The Hearing Decision from the hearing held on January 24, 2011, found that the Department did not act in accordance with Department policy with respect to Claimant's application for MA benefits and ordered the Department to initiate certain actions towards Claimant's MA benefits. (Exhibit A)
3. On May 21, 2014, [REDACTED] submitted a hearing request on behalf of Claimant disputing the Department's actions and requesting that the Department comply with the orders of the Administrative Law Judge (ALJ) in the Hearing Decision mailed on February 10, 2011.

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, [REDACTED] requested a hearing on Claimant's behalf regarding the Department's failure to comply with a previous administrative hearing decision with respect to Claimant's MA benefits. The Hearing Decision from the January 24, 2011, hearing found that Claimant was medically disabled for purposes of the MA program, pending a review of all non-medical eligibility factors and orders the Department to process Claimant's MA application of September 17, 2009, and initiate a review of all non-medical eligibility factors, if it has not already done so. (Exhibit A). The ALJ's decision was based on the Social Security Administration's determination that Claimant was disabled and eligible for RSDI benefits with an onset date of June 11, 2009. The hearing request indicates that although MA coverage was found for June 2009, no coverage could be found for October 2009, during which Claimant also incurred medical expenses.

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 2014), pp. 40-42. At the hearing, the Department could not identify whether the hearing decision and order was implemented and certified. The Department stated that Claimant had active MA benefits for the period of October 1, 2009 through October 31, 2009, however, based on the documents presented for review, this remained unclear. (Exhibits 1-3). The Department further testified that a DHS 1038 Request for Exception to the 12 Month Billing Limitation for Medical Services was submitted and approved for the month of October 2009, however, the DHS 1038 form provided at the hearing does not support the Department's testimony. (Exhibit 3).

At the hearing, Claimant's AHR testified that as of the hearing date, it had not received a verification checklist or eligibility notice in connection with the processing of Claimant's September 17, 2009 MA application and that no verification of income and assets was ever requested to determine Claimant's non-medical eligibility for MA for the months in question.

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. Process Claimant's MA application of September 17, 2009, and initiate a review of all non-medical eligibility factors, if it has not already done so;
2. Determine Claimant's eligibility for MA for the month of October 2009 and process any medical expenses incurred;
3. Submit and process the Request for Exception to the 12 Month Billing Limitation for Medical Services to the Department of Community Health;
4. Provide Claimant with any MA coverage that he was eligible to receive but did not from the application date ongoing; and
5. Notify Claimant and [REDACTED] in writing of its decision.



Zainab Baydoun

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

Date Signed: **7/28/2014**

Date Mailed: **7/29/2014**

ZB / tlf

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:

