

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

IN THE MATTER OF:

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Reg. No.: 14-004129
Issue No.: 2001
Case No.: ██████████
Hearing Date: August 21, 2014
County: Macomb (36-Sterling Hts)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 August 21, 2014, from Sterling Heights, Michigan. Participants on behalf of Claimant included Claimant's representative, ██████████
██ Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Did the Department properly comply with a Hearing Decision issued on September 26, 2014?

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 September 4, 2013, a telephone hearing was conducted with Administrative Law Judge (ALJ) Susan C. Burke.
2. On September 26, 2014, ALJ Burke issued a Hearing Decision indicating the following:
 - a. Reversal of the Department's MA decision issued on April 2, 2013, ordering the Department to complete the following actions:
 - i. Reinstate and process the Claimant's MA and retroactive MA application of March 29, 2013.

- ii. Issue a written notice to Claimant and Claimant's Authorized Hearing Representative of the Department's eligibility determination.
3. On February 21, 2014, the Department authorized MA coverage for the months of December 2012, January 2013 and February 2013, the three retro months requested on Claimant's March 29, 2013, application. No new actions were taken on the March 2013 forward eligibility determination.
4. On May 21, 2014, Claimant's representative filed a new hearing request to prompt action on ALJ Burke's Hearing Decision issued on September 26, 2014.

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.

In the instant case, a prior hearing was held regarding a March 29, 2013, application for MA benefits. On September 26, 2013, the Department was ordered to reinstate the March 29, 2013, application including the retro MA request and process the application. At the hearing, the Department presented documentation in the form of a BRIDGES eligibility summary which showed the Department had acted on the retro MA benefit request following ALJ Burke's Hearing Decision. However, the Department was unable to demonstrate the application was fully processed as indicated by the Hearing Decision. The Department apparently did not reprocess the month of application or ongoing benefits as would be required by policy when processing an application for benefits. Instead, the only actions shown by the Department were those originally reversed by the September 26, 2013, 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it was ordered to complete reinstatement and processing of a March 29, 2013, application for 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. Reinstate and process Claimant's MA application of March 29, 2013;
2. Issue a written notice to Claimant and Claimant's Authorized Hearing Representative of the Department's eligibility determination.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/27/2014**

Date Mailed: **8/27/2014**

JWO / pf

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:

[Redacted]