

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008030
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: October 06, 2014
County: WAYNE-35 (REDFORD)

ADMINISTRATIVE LAW JUDGE: Lynn Ferris

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 3-way hearing was held on October 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Claimant's January 17, 2013 application for MA-P and Retro MA-P for December 2012?

Did the Department properly process the Claimant's August 28, 2013 Retro Application for MA-P with retroactivity to May 2013?

Was the Claimant's AHR's hearing request timely?

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 17, 2013 the Claimant's AHR filed an application for Medical Assistance based upon disability and a retroactive application for December 2012.
2. On November 19, 2013, the Medical Review Team denied the application. The Department acknowledged at the hearing that the MRT denial was never sent to the Claimant's Authorized Hearing Representative.

3. An application for Medical Assistance based upon disability was filed on August 28, 2013, together with a retro application for May 2013. The Department approved the Claimant's application but did not process, and the retro Medical Assistance application. Claimant Exhibit B
4. The Department had no record of processing of the retroactive application associated with the August 28, 2013 medical assistance application.
5. In a Hearing Summary for September 20, 2013, the Department advised the Claimant's AHR that it had registered the medical request for the application dated January 17, 2013, with retro coverage for December 2012. Packet will be processed. On the basis of this statement, the Claimant's AHR withdrew its hearing request dated September 12, 2013. Claimant Exhibit A
6. The Claimant's AHR completed a Medical Determination Verification Checklist and provided the verification information and medical records to the Department in a timely manner on October 2, 2013. Claimant Exhibit A
7. The Claimant's AHR requested a hearing on July 1, 2014 regarding the Department's failure to notify it about the January 17, 2013 application denial by the MRT, and the August 28, 2013 retro application for May 2013, which the Department never processed.

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 Claimant's AHR requested a hearing regarding two applications filed on behalf of the Claimant for Medical Assistance based upon disability, which will be addressed separately.

The first application was filed on January 17, 2013 and was denied by the MRT on November 19, 2013. The Department was given an opportunity to provide evidence that the Claimant's AHR was notified of the MRT denial. No such notice of the MRT denial

was ever received by the Claimant's AHR or provided by the Department. Therefore, the Department must provide notice of the MRT denial to the AHR so that it can determine whether or not to request a hearing on the denial. As no notice of the MRT denial was ever provided to the AHR, the current hearing request dated July 14, 2014 is timely.

The second application was filed by the Claimant's AHR on August 28, 2013. At the hearing, the Department indicated that that application was approved for full Medicaid based upon disability. The Department found no evidence that the retro application for May 2013 was ever processed. At the hearing, the Claimant's AHR presented proof that the retroactive medical assistance application was provided and received by the Redford office of the Department of Human Services with the original August 28, 2013 application. Claimant Exhibit B. Based on the facts presented, it is determined that the Department failed to process the retro application when received, and must process the application and determine ongoing eligibility for the retroactive period to May 2013. Given the fact that the Department never processed the retroactive application, the July 14, 2014 hearing request is determined to be timely, as the Department never took any action on the application.

The Administrative 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 provide the Claimant's AHR with the November 19, 2013 MRT denial of the January 17, 2013 application.

The Administrative 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 process the August 28, 2013 retroactive application for Medical Assistance based upon disability, retroactive to May 2013.

DECISION AND ORDER

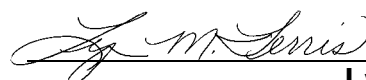
Accordingly, the Department's decision is

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 provide notice of the November 19, 2013 MRT denial of the Claimant's January 17, 2013 application for medical assistance based upon disability.

2. The Department shall process the August 28, 2013 retroactive application provided at the hearing and marked Claimant Exhibit B for Medical Assistance based upon disability retroactive to May 2013 and determine eligibility.
3. The Department shall provide notice to the Claimant and Claimant's AHR with regard to its determination regarding the August 28, 2013 retroactive MA-P application.



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

Date Signed: **10/8/2014**

Date Mailed: **10/8/2014**

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:

