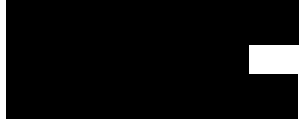


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-001091
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: MAY 29, 2014
County: WAYNE-DISTRICT 43

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 May 29, 2014, from Detroit, Michigan. Participants on behalf of Claimant included her Authorized Hearing Representative (AHR), [REDACTED], from [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist Case Manager.

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 August 3, 2012, the Social Security Administration (SSA) sent Claimant a Notice of Award, informing her that beginning September 2012, she was eligible to receive monthly disability benefits under the Retirement, Survivors and Disability Insurance (RSDI) program. (Exhibit B).
2. On October 22, 2012, [REDACTED] submitted an application for MA on behalf of Claimant. (Exhibit A)
3. On February 5, 2013, [REDACTED] submitted a reconstructed copy of the MA application originally filed on October 22, 2012. (Exhibit A, pp.33-35)
4. Claimant was approved for MA benefits effective February 2013. (Exhibit 1)

5. On March 20, 2014, [REDACTED] filed a hearing request on behalf of Claimant, disputing the Department's actions and requesting that the Department properly process the MA application and determine Claimant's eligibility for MA from October 2012, ongoing.

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, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (October 2012), p.4, 16. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2012), pp. 1,12-13.

The Department is to certify program approval or denial of the application within 45 days and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 13, 18; BAM 220 (October 2012), p. 1.

In this case, the Department testified that it was not sure whether the October 22, 2012, MA application submitted by [REDACTED] on behalf of Claimant was registered and processed. The Department stated that Claimant was approved for MA effective February 2013, and provided an eligibility summary in support of its testimony; however, the Department remained unable to explain if Claimant's eligibility for MA was determined prior to February 2013. (Exhibit 1).

At the hearing, Claimant's AHR testified that the MA application at issue was submitted to the Department on three separate occasions. Claimant's AHR presented documentation in support of its testimony, specifically fax confirmation pages that verify the application was sent to and received by the Department, as well as letters from [REDACTED]

to the Department establishing that the application was being reconstructed and resubmitted. (Exhibit A).

Claimant's AHR also provided a letter from the Social Security Administration (SSA) dated August 3, 2012, which notified Claimant that it found her entitled to RSDI benefits based on a disability beginning September 2012. (Exhibit B). Because a person eligible for RSDI benefits based on his disability or blindness meets the disability or blindness criteria; and disability or blindness starts from the RSDI disability onset date established by the SSA, the Department is only required to verify that Claimant meet the non-medical criteria for MA eligibility. BEM 260 (July 2013), pp. 1-2.

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 approved Claimant for MA benefits effective February 2013, and did not consider her MA eligibility as of the original application date.

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. Register and process Claimant's October 22, 2012, MA application, to determine if all of the non-medical eligibility criteria are satisfied;
2. Provide Claimant with any MA coverage that she was eligible to receive but did not from October 22, 2012, under the most beneficial MA category; and
3. Notify Claimant and [REDACTED] in writing of its decision


Zainab Baydoun

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

Date Signed: **6/9/2014**

Date Mailed: **6/9/2014**

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:

