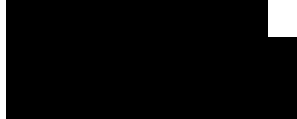


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-002447
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: JUNE 19, 2014
County: WAYNE-DISTRICT 15

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 June 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], appeals analyst with [REDACTED], Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly activate Medical Assistance (MA) coverage for Claimant for November 2013?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of MA benefits under the Low-Income Family (LIF) program.
2. The Office of Child Support (OCS) notified the Department that Claimant was in noncooperation with her child support reporting obligations as of October 14, 2013.
3. On November, 1, 2013, the Department closed Claimant's MA case due to the child support noncooperation.
4. Subsequently, OCS entered a child support comply date of October 14, 2013 on Claimant's record in the Department's system.

5. On December 17, 2013, Claimant reapplied for MA benefits and was approved for December 1, 2013 ongoing.
6. On January 30, 2014, the AHR applied for retroactive MA benefits for November 2013.
7. On May 15, 2014, the AHR filed a request for hearing alleging that the Department had failed to process the request for MA coverage for November 2013.

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 this case, OCS identified Claimant as in noncompliance with her child support reporting obligations as of October 14, 2013, and her MA case closed effective October 31, 2013. Claimant reapplied for MA benefits on December 17, 2013. In processing the application, the Department noted that the OCS noncompliance was made in error, as reflected by the fact that OCS entered a comply date that was the same date as the noncompliance date. See BEM 255 (January 2014), p. 14. It subsequently approved Claimant for MA coverage for December 1, 2013 ongoing.

In January 2014, the AHR filed an application on Claimant's behalf for retroactive MA coverage to November 2013. A client is eligible for MA coverage back to the first day of the third calendar month prior to the most recent application for MA recipients. BAM 115 (January 2014), p. 11.

The Department explained that it processed the application and determined that Claimant was eligible for MA for November 2013. However, it had difficulty activating coverage because its system had registered that the household had some income and was referring the case for eligibility determination under the Modified Adjusted Gross Income (MAGI) analysis that took effect in January 2014 as a result of the Affordable Care Act.

As of the hearing date, the Department testified that it had resolved the issue that prevented the activation of Claimant's MA coverage for November 2013 and had activated full MA coverage for Claimant for November 2013. In support of its testimony, the Department presented an eligibility determination for November 2013 showing that coverage for November 2013 had been activated.

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 acted in accordance with Department policy when it activated Claimant's MA coverage for November 2013.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/24/2014**

Date Mailed: **6/25/2014**

ACE / 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:

