

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008116
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: October 01, 2014
County: Genesee #6

ADMINISTRATIVE LAW JUDGE: Carmen Fahie

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, telephone hearing was held on Wednesday, October 1, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant's authorized representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for MA benefits.
2. Claimant was required to submit requested verification by April 8, 2013.
3. On April 8, 2013, the Department denied Claimant's application.
4. On April 8, 2013, the Department sent the Claimant a notice of the denial action, but a copy of the denial was not sent to [REDACTED]
5. On July 9, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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), and Department of Human Services Reference Tables Manual (RFT).

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, the Claimant applied for MA on [REDACTED] with retroactive MA to November 2012 through [REDACTED]. Department Exhibit 5-9. On [REDACTED], the Department Caseworker sent the Claimant and [REDACTED], a Verification Checklist, 3503, for written verification that was due to determine MA eligibility on [REDACTED]. Department Exhibit 10-11. On [REDACTED], [REDACTED] sent a fax requesting an extension to [REDACTED]. Department Exhibit 12. The Claimant and [REDACTED] failed to provide the required verification that due on [REDACTED]. As a result, the Department Caseworker sent the Claimant a notice on [REDACTED] that the MA application was denied for failure to provide verification of a DHS 1171 application. Department Exhibit 13-15. A copy of the notice was not sent to [REDACTED] as required by Department policy. On [REDACTED] [REDACTED] submitted an 1171, retro MA application, and medical records. Department Exhibit 16-162.

On [REDACTED], [REDACTED] requested a hearing to prompt the Department to finish processing the MA application submitted on [REDACTED] with retroactive MA to [REDACTED]. Department Exhibit 167. On [REDACTED], the Department sent a Verification Checklist for written verification of the DHS 1171 application and a retro MA application, 3243, to the Claimant and [REDACTED] that was due [REDACTED]. Department Exhibit 174-177. On [REDACTED], [REDACTED] submitted a hearing withdrawal stating that the Department agreed to reprocess the [REDACTED] with retroactive MA to [REDACTED]. Department Exhibit 178-179. On [REDACTED], [REDACTED] submitted a reconstructed DHS 1171 with a retroactive MA application. Department Exhibit 180-224. The Department Caseworker did not process the application because it was the same application that was already processed. She did process retroactive MA to [REDACTED] for the Claimant.

After the hearing, the Department submitted a note from the Department Caseworker that [REDACTED] had only asked for one extension request, which was granted. Department Exhibit A. Meanwhile, [REDACTED] faxed confirmation of a second, third, and fourth extension request to the due date of [REDACTED], when the verification was submitted by [REDACTED] at the same fax number that the first extension request was sent that was received by the Department Caseworker. Claimant Exhibit 1-13.

BAM 105, 110, 115, 130, 220, and 600. BEM 135, 126, 166, 260, and 640.

This Administrative Law Judge is concerned that the denial notice was not sent to [REDACTED] on [REDACTED]. If the denial notice had been sent, then [REDACTED] would have known that the Department Caseworker did not receive the extension requests. [REDACTED] requested an extension until [REDACTED] and submitted the required verifications by that deadline, which is persuasive. In addition, [REDACTED] requested a hearing and clearly stated which application they wanted reprocessed of [REDACTED] with retro MA to [REDACTED]. The Department agreed and L&S withdrew their hearing request. Subsequently, the Department decided that this application had already been processed and reneged on reprocessing the application.

The Department has not met their burden that the Claimant's MA application should be denied because the Claimant and [REDACTED] failed to provide the required verification to determine MA eligibility because [REDACTED] was not sent a denial notice and the Department agreed to reprocess the application.

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 did not act in accordance with Department policy when it failed to send [REDACTED] a denial notice and failed to reprocess the application after agreeing to where [REDACTED] withdrew their hearing request.

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. Initiate a redetermination of the Claimant's eligibility for MA by reregistering and processing the MA application dated [REDACTED] with retro MA to [REDACTED].
2. Provide the Claimant and their authorized representative with written notification of the Department's revised eligibility determination.

3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

Carmen H. Fahie

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

Date Signed: **10/17/2014**

Date Mailed: **10/17/2014**

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

CGF / tb

cc:

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