

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-010404
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: October 27, 2014
County: WAYNE-31 (GRANDMONT)

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 three-way hearing was held on October 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] of [REDACTED]s, the Claimant's Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED]n, Hearing Facilitator.

ISSUE

Did the Department fail to timely process the Claimant's application for medical assistance for October and November 2010?

FINDINGS OF FACT

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

1. The Claimant's Authorized Hearing Representative filed a hearing request form on behalf of the Claimant to cover the months of October and November 2010. The Claimant's Representative withdrew a prior hearing request from November 2011, based upon the Department's assurance that the Claimant had medical assistance coverage for the months of October and November 2010.
2. The Department at the hearing conceded that it had failed to process the October and November medical bills, and activate coverage for those months subject to a deductible of [REDACTED]. The Department sought a help desk ticket BR – 011-6037 on August 27, 2014, which was still pending at the time of the hearing. The Claimant's

authorized hearing representative requested a hearing, which was determined at the hearing to be timely on August 18, 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.

Additionally, in this case the issue was whether the Department ever processed a retro application for medical bills submitted to the Department in 2010. At the hearing, the Department conceded that it had not effectuated coverage and/or had not processed the medical bills from 2010, even though the Claimant was eligible for medical assistance subject to an [REDACTED] deductible. At the time of the hearing, the Department had requested a help desk ticket so that the coverage could be effectuated and the bills processed. The Department is required to process applications for medical assistance within 45 days. Depending on the medical assistance category, the Department can take up to 90 days to determine medical eligibility based on disability. In this case, the Department clearly did not meet the standard of promptness. BAM 115, (7/1/14), pp. 15. It is also determined that the hearing request submitted by the Claimant's AHR dated August 18, 2014, is in fact timely as the issue was a failure to process the coverage and medical bills, and the Claimant's AHR had previously withdrawn a timely hearing based upon the Department's representations that it would promptly effectuate coverage, so that the medical bills outstanding could be processed. Under these circumstances, and given the Department's lack of follow-through prior to seeking a help desk ticket, it is determined that the current hearing request is timely within the current requirements of BAM 600 (7/1/14).

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 effectuate retroactive coverage and process medical bills for October and November 2010.

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 process the Claimant's case and medical bills to determine and effectuate eligibility for medical assistance for October and November 2010, based upon medical bills establishing that the Claimant's deductible has been met so that medical bills previously submitted can be processed,.
2. The Department shall also process any medical bills which are outstanding from that period.
3. The Department shall provide a written notice to the Claimant's Authorized Hearing Representative of its determination.



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

Date Signed: **10/28/2014**

Date Mailed: **10/28/2014**

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:

