

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-013098
Issue No.: MEDICAID - ELIGIBILITY
Case No.: [REDACTED]
Hearing Date: January 22, 2015
County: ALPENA

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 22, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly process Claimant's April 19, 2013, application for Medicaid (MA) and retroactive MA?

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 April 19, 2013, an application for MA and retroactive MA was filed on Claimant's behalf by Advomas, the Authorized Representative (AR) for that application.
2. The Department never issued any written requests for verification(s), notice of missing information, or a determination notice to Claimant or the AR for the April 19, 2013, MA application.
3. On September 22, 2014, a request for hearing was filed on Claimant's behalf.

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.

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days. BAM 600, 7-1-2014, p. 6

As discussed on the record during the telephone hearing proceedings, the September 22, 2014, request for hearing related to the April 19, 2013, application for MA and retroactive MA filed on Claimant's behalf by the AR. This hearing request is considered to be timely filed because there was never a written notice of case action issued to Claimant or the AR for application at issue to begin a 90 day time limit to file an appeal.

On the same day a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. An application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the following information: name of the applicant, birth date of the applicant (not required for the Food Assistance Program (FAP)), address of the applicant (unless homeless), and signature of the applicant/authorized representative. An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility; see Bridges Administrative Manual (BAM) 110. If an application/filing form does not contain the minimum information listed above, send it back to the client along with a DHS-330, Notice of Missing Information, informing the client of the missing information. BAM 105, 4-1-2014, p. 1.

The local Department office has a responsibility to determine eligibility and benefit amounts for all requested programs. BAM 105, p. 15.

The Department is to register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, 7-1-2014, p. 19.

An incomplete application contains the minimum information required for registering an application. However, it does not contain enough information to determine eligibility because all required questions are not answered for the program(s) for which the client is applying; see BAM 105. When an incomplete application is filed, retain the application and give or send the client the DHS-3503, Verification Checklist. Inform the client of the:

request for contact to complete missing information, due date for missing information, interview date, if applicable. BAM 115, 7-1-2014, p. 5.

In this case, it appears the Department incorrectly believed this hearing request related to a March 27, 2013, MA application Claimant filed without an AR, which was denied on April 23, 2013, by written notice to Claimant.

However, the hearing request and documentation submitted with it state the hearing was requested because the AR believed their April 19, 2013, application for MA and retroactive MA was never processed.

During the hearing proceedings, the Department checked the case file and confirmed that their office had received the April 19, 2013, application for MA and retroactive MA. The local office had some concern regarding whether the AR actually had a valid authorization because the authorization form was only signed by Claimant and the portion for the representative agency to sign was still blank. In review of the authorization form, it appears that this form was drafted in such a manner that by signing, the Claimant authorized the representative agency to act on his behalf for applying for MA and that the representing agency only needed to sign their portion of the form if a hearing is needed. It is noted that the copy of the authorization form filed with the hearing request was signed by both the Claimant and the AHR.

Ultimately, it was uncontested that the Department received the April 19, 2013, application for MA and retroactive MA. There is no evidence the Department took any steps to process this application. So long as the minimum information necessary to register an application was submitted, the application should have been registered. If additional information was needed to process the application, a Verification Checklist should have been issued. If the Department doubted the AR status, verification of this should have been requested. Lastly, if the application did not contain the minimum information necessary to register an application, it should have been sent back along with a DHS-330, Notice of Missing Information.

There was no evidence that the Department took any steps to process the April 19, 2013, application for MA and retroactive MA.

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 process Claimant's April 19, 2013, application for MA and retroactive MA.

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. Process Claimant's April 19, 2013, application for MA and retroactive MA, in accordance with Department policy.
2. Issue written notice of the determination in accordance with Department policy.



Colleen Lack
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/10/2015**

Date Mailed: **2/10/2015**

CL/hj

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 48909-8139

CC:

