

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-015842
Issue No.: 2004
Case No.: ██████████
Hearing Date: February 11, 2015
County: Wayne-District 17

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 February 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), ██████████, from ██████████ ██████████. Claimant is deceased and ██████████ provided probate Letters of Authority to represent. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker.

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 4, 2014, an administrative hearing was held with respect to Claimant's October 3, 2013, application for MA benefits, retro to July 2013. (Exhibit 1, at pp.7-10)
2. The Hearing Decision associated with the above referenced administrative hearing was mailed on August 6, 2014, and the Administrative Law Judge (ALJ) found that the Department did not act in accordance with Department policy when it processed Claimant's MA and Retro MA applications. The ALJ ordered the Department to initiate certain actions with respect to Claimant's MA benefits. (Exhibit 1, at pp. 7-10)

3. On August 14, 2014, the Department sent █████ a Health Care Coverage Determination Notice informing █████ that Claimant was ineligible for MA from July 1, 2013, ongoing. The Notice further states, “[w]e are sorry to learn of the death of a member of your household. That person’s needs can no longer be considered when determining your eligibility. If this information is in error, please contact us.” (Exhibit 1, at pp. 15-16)
4. On November 4, 2014, █████ submitted a hearing request on behalf of Claimant disputing the Department’s actions and requesting that the Department implement the orders of the ALJ from the previously issued hearing decision.

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, █████ requested a hearing on Claimant’s behalf regarding the Department’s failure to properly comply with a previous administrative hearing decision with respect to an application for MA benefits submitted on October 3, 2013, retro to July 2013. The Hearing Decision mailed on August 6, 2014, orders the Department to: (i) accept documentation already provided and process Claimant’s October 3, 2013, MA and retroactive MA applications. (Exhibit 1, at pp. 7-10).

According to BAM 600, the Department is to implement and certify a decision and order within ten calendar days of the mailing date on the hearing decision. BAM 600 (July 2014), pp. 40-42. When a hearing decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification is sent with the decision and order. The Department is to complete the necessary case action and send the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. BAM 600, p. 42.

At the hearing, the Department testified that the application was processed and it was determined that Claimant was ineligible for MA on the basis that his assets exceeded the MA asset limit. The Department presented an Administrative Hearing Order

Certification signed by a Department supervisor on August 14, 2014, which the Department testified shows compliance with the hearing decision and order. (Exhibit 1 at p. 6). The Department stated that on August 14, 2014, it sent █████ a Health Care Coverage Determination Notice informing █████ of the Department's decision with respect to the application. A review of the Health Care Coverage Determination Notice establishes that the Department determined that Claimant was ineligible for MA for the period of July 1, 2013, ongoing based on his death and not based on excess assets as the Department stated. (Exhibit 1, at pp15-16).

Claimant's AHR testified that at the time Claimant's application for MA was submitted, Claimant was still alive and thus, potentially eligible for MA benefits. █████ asserted that it was never informed that Claimant was ineligible for MA based on excess assets and the Department did not establish that it provided █████ Notice of Claimant's ineligibility for MA based on excess assets.

The Health Care Coverage Determination Notice sent to █████ in connection with the implementation of the prior hearing decision and order does not properly inform █████ of the reason for Claimant's ineligibility for MA. Thus, the Department failed to establish that it processed the application in accordance with Department policy to determine Claimant's eligibility for MA for the July 2013, retro period, ongoing.

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 processed Claimant's MA benefits. It should be noted that should the Department determine that Claimant is ineligible for MA benefits after registering and processing the October 3, 2013, MA application retro to July 2013 and after notifying █████ in writing of its decision, █████ is informed that it is entitled to request a hearing and have that issue reviewed.

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. Accept documentation already provided and process Claimant's October 3, 2013, MA and retroactive MA applications.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/6/2015**

Date Mailed: **3/6/2015**

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.

