

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019585
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: March 16, 2015
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 16, 2015, from Detroit, Michigan.

[REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], hearings facilitator.

ISSUES

The first issue is whether DHS properly failed to process Claimant's Medical Assistance (MA) application due to a previous denial.

The second issue is whether DHS properly did not process a request for retroactive MA benefits when Claimant was previously denied eligibility for the benefit month.

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 [REDACTED], Claimant applied for MA benefits, including retroactive MA benefits from 12/2013.
2. DHS failed to process Claimant's application.
3. On [REDACTED], Claimant's AHR requested a hearing to dispute the failure of DHS to process Claimant's MA application.

CONCLUSIONS OF LAW

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. DHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. DHS 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).

Claimant's AHR's hearing request noted that special arrangements were required for participation in the hearing; specifically, a 3-way telephone hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

Claimant's AHR requested a hearing to dispute a failure by DHS to process Claimant's application dated [REDACTED]. DHS initially contended that Claimant's application was properly denied due to excess income. The DHS reasoning was curious because excess income is not known to be an acceptable basis to deny Medicaid eligibility. Typically, clients with excess income for Medicaid eligibility are awarded Medicaid subject to a monthly deductible.

During the hearing, DHS amended their response to Claimant's AHR's hearing request. DHS conceded that Claimant's MA application dated [REDACTED] was never denied and never processed.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications is 45 days (90 days if disability is an eligibility factor). BAM 115 (1/2014), p. 15.

The DHS concession justifies ordering DHS to process Claimant's MA application dated 1/31/14. Further analysis is required concerning Claimant's application requesting retroactive MA eligibility.

Claimant's AHR requested a hearing, in part, to dispute Claimant's MA eligibility from 12/2013. Again, DHS initially contended that Claimant was income-ineligible for MA benefits for 12/2013. During the hearing, DHS provided testimony that Claimant's 12/2013 MA eligibility was denied in 12/2013, in association with an MA application submitted to DHS in 12/2013. DHS testified that Claimant's MA eligibility for 12/2013 was denied due to a child support disqualification.

Claimant's AHR conceded that Claimant's MA eligibility from 12/2013 would not be disputed. The concession was consistent with DHS child support policies (see BEM

255). The concession was also consistent with DHS policy limiting clients and/or their AHRs to requesting hearings within 90 days (DHS denied Claimant's MA eligibility in 12/2013).

During the hearing, the undersigned stated that Claimant's AHR's concession would not be accepted and this hearing decision would independently decide Claimant's 12/2013 MA eligibility. The statement of the undersigned was unwise. Claimant's AHR's partial withdrawal was sensible and consistent with DHS policy and presented facts. Claimant's AHR's concession will be accepted as a withdrawal of a dispute concerning Claimant's MA retroactive MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's AHR withdrew the hearing request concerning Claimant's 12/2013 MA eligibility. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's application dated [REDACTED]. It is ordered that DHS perform the following actions:

- (1) register Claimant's application dated [REDACTED] requesting MA benefits; and
- (2) initiate processing of Claimant's application.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/19/2015**

Date Mailed: **3/19/2015**

CG / hw

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:

