

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

IN THE MATTER OF:

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Reg. No.: 14-019590
Issue No.: 2004
Case No.: ██████████
Hearing Date: April 02, 2015
County: OAKLAND-DISTRICT 2
(MADISON HTS)

ADMINISTRATIVE LAW JUDGE: Lynn M. 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; and Mich Admin Code, R 792.11002. After due notice, a three way hearing was held on April 2, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. The Claimant's Authorized Hearing Representative, ██████████, also appeared on behalf of Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payments Supervisor, and ██████████, Eligibility Specialist.

ISSUE

Did the Claimant's AR file an application for Medical Assistance on April 23, 2014?

Did the Department properly process the Claimant's Application dated April 23, 2014 for Medical Assistance base upon disability?

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 Representative (AR) filed an application for Medical Assistance and retroactive MA (February 2014) on April 23, 2014. Claimant Exhibit A, p. 1-28
2. The Application was filed by hand delivery at the Department offices. Claimant Exhibit B, p. 6.

3. The Department did not have a record of the application.
4. The Claimant filed an online application on April 15, 2015 requesting medical assistance on her behalf and for her husband. This application was not based on disability. The Claimant was approved for HMP effective April 1, 2014 and retroactive medical assistance was denied for February and March 2014.
5. The Claimant's AHR requested a timely hearing December 26, 2014 requesting that the April 23, 2014 application for Medical Assistance be processed. Claimant Exhibit B

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Claimant's AHR alleged that it filed an application for medical assistance on April 23, 2014 and requested retroactive medical assistance (February 2014). The application was never processed. The Department testified at the hearing that it did not receive the April 23, 2014 application.

At the hearing the AHR provided the entire application it filed on April 23, 2014 for Medical Assistance. Claimant Exhibit A p 1-28. The AHR also provided a date stamped page of the April 23, 2014 application which bore a date stamp "OCDHS, April 23, 2014, District II". Claimant Exhibit B, p. 6. The date stamped page also contained the name of the Claimant and was identical to the same page in the April 23, 2014 application. Based upon this evidence it is determined that the Claimant did file an application for MA with the Department on April 23, 2014 and it was either lost or misplaced by the Department. Under these circumstances it is determined that any properly-filed application must be registered and processed. Even though the Claimant had previously applied for MA online, the April 23, 2014 MA application was based upon disability and contained a Facility Admission Notice, DHS 49s and medical records, and

is for a different type of medical assistance and different coverage than HMP and must be registered and processed. BAM 110, (July 1, 2014) p.7.

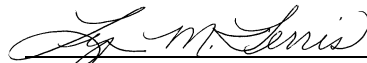
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process the April 23, 2014 MA application based upon disability.

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 register and process the April 23, 2014 application and determine eligibility in accordance with Department policy.
2. The Department shall provide the Claimant's AHR [REDACTED] written notice of its determination in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/29/2015**

Date Mailed: **4/29/2015**

LMF / cl

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

