

**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.: 14-019625
Issue No.: 2004
Case No.: ██████████
Hearing Date: April 23, 2015
County: Wayne-District 19 (Inkster)

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; and Mich Admin Code, R 792.11002. After due notice, a three way telephone hearing was held on April 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included her Authorized Hearing Representative (AHR), ██████████, from ██████████. (L&S). Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department fail to properly process Claimant's August 29, 2012, application for 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 24, 2012, Claimant submitted an application for Medical Assistance, Food Assistance Program (FAP) and Family Independence Program (FIP) benefits.
2. In connection with the above referenced application, on or around August 24, 2012, the Department sent Claimant only a Verification Checklist (VCL).
3. Claimant's AHR asserts that on August 29, 2012, L&S submitted an application for MA benefits to the Department, on which Claimant was seeking disability based medical assistance.

4. On or around December 7, 2012, Claimant informed the Department that she was moving out of the State of Michigan and requested that her assistance be stopped.
5. On December 7, 2012, the Department sent Claimant only a Notice of Case Action informing her that: for the period September 16, 2012, ongoing her FIP application was denied; for the period August 1, 2012, ongoing, her MA application was denied; and for the period January 1, 2013, ongoing, her FAP case would be closed, all on the basis that Claimant had requested that her assistance be stopped. (Exhibit 1, pp. 55-57)
6. On or around April 24, 2013, L&S submitted a hearing request on behalf of Claimant, alleging that the Department had failed to process the August 29, 2012, MA application.
7. In response to the hearing request referenced above, on or around February 27, 2014, the Department sent L&S a copy of the December 7, 2012, Notice of Case Action informing L&S that the application was denied on the basis that Claimant requested her assistance be stopped. (Exhibit 1, pp. 55-57)
8. On or around March 7, 2014, L&S submitted a hearing request withdrawal with respect to the April 24, 2013, hearing request.
9. On March 14, 2014, L&S submitted a second hearing request on behalf of Claimant, alleging that the Department had failed to process the August 29, 2012, MA application. (Exhibit 1, p. 1)

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.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an

application or the filing form. BAM 110 (May 2012), pp.4,6-7, 16,18. Retro MA coverage is available back to the first day of the third calendar month prior to the current or most recent application for MA applicants. BAM 115 (May 2012), pp. 9-10.

Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard of promptness (SOP). The SOP begins the date the department receives an application/filing form, with minimum required information. The SOP is 90 days for an application involving MA in which disability is an eligibility factor, with this date being extended in 60 day intervals by deferral by the Medical Review Team. BAM 115, pp. 1,12-13. The Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action, which is printed and mailed centrally from the consolidated print center. A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 1,18;BAM 220 (July 2012), pp. 1-3.

In this case, L&S requested a hearing disputing the Department's actions with respect to an MA application that it alleges was submitted to the Department on August 29, 2012. At the hearing, the Department testified that it had no information concerning the application and no record of a MA application that was submitted by L&S on behalf of Claimant on August 29, 2012. The Department stated that on August 24, 2012, it received an application from Claimant requesting MA, FIP, and FAP assistance. The Department testified that a VCL was issued to Claimant with respect to the August 24, 2012, application. The Department stated that on December 7, 2012, the August 24, 2012, MA application was denied on the basis that Claimant requested her assistance be stopped, as she was moving outside the State of Michigan. The Department testified that the only MA application that was received, registered, and processed on behalf of Claimant was the August 24, 2012, application.

At the hearing, Claimant's AHR asserted that the Department failed to process the August 29, 2012, application and that this is the second hearing request that had been submitted to address the issue. Claimant's AHR stated that since the application was submitted to the Department, L&S had not received any VCL or eligibility notice addressing the disposition of the application. With its request for hearing, Claimant's AHR presented the application that it alleges was submitted, which was signed by Claimant on August 17, 2012, as well as a release signed by Claimant on August 17, 2012, authorizing the AHR to obtain information on Claimant's behalf and to represent Claimant. Claimant's AHR also provided medical records that it stated were submitted to the Department in October 2012. (Exhibit 1).

In support of its contention that it submitted the application and related documents to the Department on August 29, 2012, Claimant's AHR presented a [REDACTED] shipping label which indicates that a package was sent from L&S to the Department's Inkster District on August 28, 2012. Claimant's name appears to be handwritten on the copy of the

label that was provided for review at the hearing. (Exhibit 1, p. 3). It was unclear when Claimant's name was written on the label and whether the label provided with the [REDACTED] shipment to the Department had Claimant's name on it. Claimant's AHR also provided a tracking email showing that the package/shipment referenced on the shipping label was delivered to the Department's Inkster District on August 29, 2012. (Exhibit 1, p. 2). After further review, while the [REDACTED] documents presented by Claimant's AHR are sufficient to verify that something was received by the Department from L&S on August 29, 2012, they do not clearly establish that the item received was the MA application at issue in this case. Because the [REDACTED] confirmation presented by Claimant's AHR fails to establish that the package received by the Department on August 29, 2012, was Claimant's MA application, Claimant's AHR has failed to rebut the Department's testimony that it did not receive an application for MA assistance from L&S on behalf of Claimant on August 29, 2012.

Therefore, 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 acted in accordance with Department policy when it failed to process Claimant's August 29, 2012, MA application, as Claimant's AHR failed to establish that the application was received by the Department.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **5/22/2015**

Date Mailed: **5/22/2015**

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

CC: