

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-15987  
Issue No(s): 2004  
Case No.: [REDACTED]  
Hearing Date: February 19, 2014  
County: Wayne (15)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR) [REDACTED], from [REDACTED], Inc. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly process Claimant's Medical Assistance (MA) application dated October 26, 2011 and retroactive MA coverage from July 2011?

**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 October 26, 2011, Claimant's AHR applied for MA benefits and sought retroactive coverage from July 2011. See Exhibit 1.
2. On December 19, 2012, an Administrative Hearing was held and the Administrative Law Judge (ALJ) ordered the Department to process Claimant's MA application dated October 26, 2011. See Exhibit 1.
3. Subsequent to the Administrative Hearing, the Department only partially processed Claimant's MA eligibility.

4. On November 25, 2013, Claimant's AHR filed a hearing request, protesting the Department's failure to process the MA application. See Exhibit 1.

### **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 the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Any person, regardless of age, or their authorized representative (AR) may apply for assistance. BAM 110 (October 2011), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 15.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (January 2011), p. 11. For MA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 11. However, there are exceptions to these benefits programs for processing times, which are described as follows: 90 days for MA categories in which disability is an eligibility factor. BAM 115, p. 11. The SOP can be extended 60 days from the date of deferral by the Medical Review Team. BAM 115, p. 12.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certifies the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 16. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 16.

In this case, on October 26, 2011, Claimant's AHR applied for MA benefits and sought retroactive coverage from July 2011. See Exhibit 1. On December 19, 2012, an Administrative Hearing was held and the ALJ ordered the Department to process Claimant's MA application dated October 26, 2011. See Exhibit 1. Subsequent to the Administrative Hearing, it was discovered that the Department only partially processed Claimant's MA eligibility. A review of Claimant's AHR hearing request indicated that the Department only processed eligibility for the retroactive month of July 2011. See Exhibit 1. However, Claimant's AHR concern was that MA eligibility was not determined for October and November 2011. See Exhibit 1. Furthermore, Claimant's AHR hearing

request indicated that it did not receive an eligibility notice for these months. See Exhibit 1.

At the hearing, the Department acknowledged that it appeared to only partially process Claimant's MA eligibility. The hearing summary stated that the MA was not added to the case from October 1, 2011 through February 28, 2012. See Exhibit 1. The Department also presented an Eligibility Summary, which indicated MA coverage for July 2011 through September 2011 and March 2012, ongoing. See Exhibit 1. However, the Eligibility Summary does not indicate any MA coverage for October 2011 through February 2012. See Exhibit 1.

Based on the foregoing information and evidence, the Department failed to process Claimant's MA application dated October 26, 2011 in accordance with Department policy. On December 19, 2012, an Administrative Hearing was held and the ALJ ordered the Department to process Claimant's MA application dated October 26, 2011. See Exhibit 1. Subsequent to the Administrative Hearing, it was discovered that the Department only partially processed Claimant's MA eligibility. The evidence indicated that Claimant's MA retroactive coverage was processed from July 2011 to September 2011. See Exhibit 1. Moreover, MA coverage was processed from March 2012, ongoing. See Exhibit 1. However, the Department failed to process Claimant's MA eligibility for October 2011 through February 2012. It is unclear if a denial notice was sent for this time period, but no such evidence was presented.

In summary, the Department failed to process Claimant's MA application dated October 26, 2011 as ordered by the previous administrative hearing. See Exhibit 1. Moreover, the evidence indicates that the Department only partially processed the application, but failed to process MA eligibility for October 2011, ongoing. The Department's testimony and evidence indicated that it erred in processing Claimant's MA eligibility from the date of application. Therefore, the Department will process Claimant's MA application dated October 26, 2011 and any applicable MA retroactive coverage requested. BAM 110, pp. 10 and 15; BAM 115, pp. 11, 12, and 16.


### **DECISION AND ORDER**

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 MA application dated October 26, 2011.

Accordingly, the Department's MA 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. Register the MA application dated October 26, 2011 and MA retroactive application (if applicable);
2. Begin processing the application/calculating the MA budget from October 2011, ongoing and MA retroactive application (if applicable), in accordance with Department policy;
3. Issue supplements to Claimant for any MA benefits he was eligible to receive but did not from October 2011, ongoing and MA retroactive application (if applicable), in accordance with Department policy; and
4. Notify Claimant and Claimant's AHR in writing of its MA decision in accordance with Department policy.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 12, 2014

**NOTICE OF APPEAL:** The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

2014-15987/EJF

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 48909-07322

EJF/tlf

cc:

