

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014 17439
Issue No(s): 2004, 2001
Case No.: ██████████
Hearing Date: February 27, 2014
County: Wayne (17)

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. After due notice, a three way telephone hearing was held on February 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative (AHR), ██████████. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, FIM.

ISSUE

Did the Department fail to process the January 6, 2012 application for Medical Assistance ("MA-P") and retro active application for December 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. The Claimant's AHR requested a hearing on November 5, 2013 requesting that a January 6, 2012 application for medical assistance with retroactive coverage to December 2011 be processed. As part of the hearing request █&█ attached a fax verification that the application was faxed to the Department on January 6, 2012.
2. At the hearing the Department did not have the application although it had been originally faxed on January 6, 2012 and refaxed at the Department's request on several dates and to both the Greendale and Greenfield Joy District Offices as requested on December 13, 2013 and January 22, 2014.

3. As part of the Hearing Request [REDACTED] faxed two authorizations (release of information and authorization to represent) signed by the Claimant on December 20, 2011.
4. A hearing summary dated December 13, 2013 acknowledged that as of that date the caseworker requested a copy of the application be faxed and that a determination regarding eligibility would be made.
5. On November 5, 2013 the Claimant's AHR requested a hearing asking that the Department process the January 6, 2012 application and retroactive application for December 2011.

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.

Additionally, the issue in this case involves whether the Department failed to process an application for MA-P submitted on January 6, 2012 and retro application for December 2011. The application and retro application was faxed to the Department as requested on December 13, 2013 but was not processed. The caseworker assigned to this matter has since retired. During the hearing the Department conceded that it would process the MA-P application and retroactive Medical Assistance application upon its receipt and did not dispute the filing of the application originally.

The individual preparing the hearing summary was not present at the hearing. It is also noted that there have been two offices involved with this case file.

Based upon the evidence presented and the testimony of the parties, it is determined that the Department did not process the January 6, 2012 application and retro application and has not processed the application as of the date of the hearing.

Therefore, although the Department had no records establishing the application or records in its Bridges system, the evidence has established that an application was filed on January 6, 2012 and was apparently lost or misplaced by the Department and therefore it was never processed or re-registered as represented in its hearing summary of December 13, 2013. Based upon the evidence presented it is determined that the Department must process the application and retro application as proof of its filing was

established as was proof of fax of the application in December 2013 and January 2014. BAM 110, Response to Applications. BAM 115, pp. 1 (7/1/13).

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

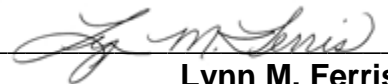
did not act in accordance with Department policy when it failed to process the January 6, 2012 Application for MA-P and retro application to December 2011.

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 January 6, 2012 application and retro application (December 2011) and determine eligibility upon receipt via fax of the application from the Claimant's AHR.
2. The Claimant's AHR shall re-fax the application if not already received by the Department after the hearing.
3. The Department shall advise the Claimant's AHR, [REDACTED], of its determination regarding eligibility and provide it copies of all verification checklists and notices of case action issued as part of its determination, and provide the AHR with all written correspondence with regards any other communications.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 19, 2014

Date Mailed: March 19, 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:

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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]