

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201424415  
Issue No(s): 2004  
Case No.: [REDACTED]  
Hearing Date: May 5, 2014  
County:

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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, an in-person hearing was held on May 5, 2014, from Walled Lake, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED], Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker in the Madison Heights office.

**ISSUE**

Did the Department properly process Claimant's eligibility for Medical Assistance (MA) coverage for May 2013?

**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 May 21, 2013, the AHR filed an MA application on Claimant's behalf.
2. On May 31, 2013, at 5:02 p.m., Claimant, with assistance, filed an online application for MA benefits with request for retroactive MA benefits for March 2013 and April 2013.
3. On June 7, 2013, the Department sent Claimant a Notice of Case Action notifying her that she was approved for full-coverage MA under the AD-Care program for June 2013 ongoing but denied for March 1, 2013 to May 31, 2013 because she

was not aged, blind, disabled, under 21, pregnant or parent/caretaker relative of dependent child.

4. On November 19, 2013, the AHR filed a hearing request seeking to have the Department process the May 21, 2013 application and activate coverage for May 2013.

### **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 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 Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

As a preliminary matter, it is noted that, although the Department's Washtenaw office was sent notice that the hearing would be held in the Department's Madison Heights office and a Washtenaw office representative was contacted prior to the hearing by both the Michigan Administrative Hearing System (MAHS) and the Madison Heights worker who participated in the hearing, there was no response by the Washtenaw office until 45 minutes after the hearing was scheduled. The hearing was held without participation from the Washtenaw office.

The Department sent Claimant a Notice of Case Action notifying her that the application that she submitted online on May 31, 2013 at 5:02 pm was approved for June 1, 2013 ongoing and denied for March 1, 2013 to May 31, 2013. In its hearing summary, the Department acknowledged that the May 31, 2013 application was improperly registered on June 3, 2013, and should have been registered on May 31, 2013. See BAM 110 (January 2013), p. 4. Furthermore, at the hearing, the AHR established that it had filed an MA application on Claimant's behalf, with itself listed as the Claimant's authorized representative, on May 21, 2013. The evidence presented was sufficient to establish that, either under the MA application submitted by Claimant on May 31, 2013 or the MA application submitted by the AHR on Claimant's behalf on May 21, 2013, the Department was required to consider Claimant's MA eligibility for May 2013. BEM 105 (October 2010), p. 2; BEM 545 (July 2011), p. 1. There was no evidence presented that the Department had processed Claimant's MA eligibility for May 2013.


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 eligibility for May 2013.

**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. Process Claimant's MA eligibility for May 2013;
2. Provide Claimant with MA coverage she is eligible to receive for May 2013;
3. Notify Claimant and the AHR in writing of its decision.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 20, 2014

Date Mailed: May 20, 2014

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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.

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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 48909-07322

ACE/tlf

cc:

