

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201426525
Issue No.: 2011
Case No.: [REDACTED]
Hearing Date: April 28, 2014
County: Oakland (02)

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 April 28, 2014, from Madison Heights, 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], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's October 7, 2013 application for Medical Assistance (MA) benefits, with request for retroactive coverage for August 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 October 7, 2013, the AHR filed an MA application on Claimant's behalf with a request for retroactive coverage to August 2013.
2. On October 30, 2013, the Department sent Claimant a Notice of Case Action denying the application.
3. On January 29, 2014, the AHR filed a request for hearing requesting that the Department process the application.

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.

As a preliminary matter, it is noted that the evidence at the hearing established that the AHR was identified as Claimant's authorized representative in her application but the Department did not send the AHR a copy of the October 30, 2013 Notice of Case Action it sent to Claimant denying the application. The authorized representative assumes all the responsibilities of a client. BAM 110 (July 2013), p. 9. Accordingly, the Department should send all correspondence concerning the client's case to the authorized representative. Because the Department did not properly notify the AHR of the denial, it cannot contend that the AHR's hearing is untimely. See BAM 600 (March 2014), p. 6.

The Department testified that Claimant's MA application was denied because she was in noncooperation with her Office of Child Support (OCS) reporting obligations. Department policy requires that the custodial parent of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2013), p. 1. At application, the Department must notify the client of an OCS noncooperation through a verification checklist (VCL). BEM 255, p. 12. If the client fails to cooperate with OCS on or before the VCL due date, the client is disqualified from MA eligibility if (i) the child for whom support/paternity action is required receives MA and (ii) the client and child live together. BEM 255, pp. 11, 12, 13.

In this case, the Department did not present any evidence to establish that a VCL was sent to Claimant or the AHR requesting that Claimant cooperate with OCS. Therefore, the Department did not act in accordance with Department policy when it processed Claimant's MA application. Furthermore, the Department testified that, although its system had shown that Claimant complied with OCS reporting obligations concerning her three children on November 17, 2013, when Claimant's OCS status was run again on the hearing date, the system showed that OCS had changed the comply date to April 25, 2013, the same date as the noncooperation begin date. In essence, OCS removed any OCS noncooperation from Claimant's record. Under these circumstances, Claimant was not in noncooperation with her OCS reporting obligations at the time of her application. See BEM 244, pp. 11-12.


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 denied Claimant's October 7, 2013 MA application with request for retroactive coverage to August 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. Reregister and reprocess Claimant's October 7, 2013, MA application with request for retroactive coverage to August 2013;
2. Provide Claimant with MA coverage she is eligible to receive from August 1, 2013, ongoing; and
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 12, 2014

Date Mailed: May 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;

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- 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

ACE/tlf

cc:

