

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

IN THE MATTER OF:



Reg. No.: 14-008695-RECON
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: October 2, 2014
County: Ingham

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

DECISION AND ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the Claimant's Authorized Hearing Representative's (AHR) timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on October 2, 2014, and mailed on October 17, 2014, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program or programs that is the basis for the claimant's benefits application, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

This matter having been reviewed, an Order Granting Reconsideration was mailed on December 11, 2014.

ISSUE

Whether the ALJ erred in upholding the Department's failure to process Claimant's application for Medical Assistance (MA) benefits based on an Office of Child Support (OCS) sanction.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Findings of Fact No. 1 through 5 under Registration Number 14-008695 are hereby incorporated by reference.
2. On October 2, 2014, a hearing was held resulting in a Hearing Decision being mailed on October 17, 2014, which upheld the Department's actions denying Claimant's 2/13/14 application for MA-P.

3. On November 12, 2014, the Michigan Administrative Hearing System (MAHS) received the Claimant's authorized representative's timely written Request for Rehearing/Reconsideration.
4. On December 11, 2014, the Request for Reconsideration was granted.

CONCLUSIONS OF LAW

In the instant case, Claimant's authorized hearing representative's Request for Rehearing/Reconsideration raises a misapplication of BEM 255 as it relates to office of child support sanctions and MA-P applications.

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.

At application for MA-P, a client has 10 days to cooperate with the Office of Child Support (OCS). Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

There is a begin date of non-cooperation in the absent parent logical unit of work.

There is **not** a subsequent comply date.

Support/paternity action is still a factor in the child's eligibility.

Good cause has not been granted nor is a claim pending; see **Good Cause For Not Cooperating** in this item. BEM 255, p 11-12 (10/1/14).

In this case, Claimant applied for MA-P on 2/13/14. At the time of application, Claimant was under an Office of Child Support sanction. The Departmental representative testified that Claimant's MA-P application was not processed because Claimant was under a sanction.

Pursuant to policy, the Department was required to mail Claimant a Verification Checklist informing her she was under an Office of Child Support sanction and giving her 10 days to cooperate with OCS. The Department failed to follow procedure in this case.

As a result, the ALJ's Hearing Decision mailed on October 17, 2014, is VACATED, and the Department's determination which denied Claimant's 2/13/14 MA-P application is **REVERSED**.

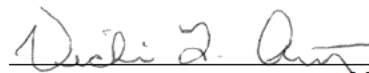
DECISION AND ORDER

Based on the above findings of fact and conclusions of law, it is determined that the Administrative Law Judge erred in affirming the Department's determination denying Claimant's application for MA-P.

Accordingly, it is ORDERED:

1. The ALJ's Hearing Decision mailed on October 17, 2014, under registration Number 14-008695, denying Claimant's MA-P application is VACATED.
2. The Department's determination which denied Claimant's MA-P application is **REVERSED**.
3. The Department shall initiate processing of the February 13, 2014, MA-P application in accordance with Department policy, specifically BEM 255.
4. The Department shall supplement for any lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

IT IS SO ORDERED.



Vicki Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **1/6/2015**

Date Mailed: **1/6/2015**

VLA/las

NOTICE: The law provides that within 30 days of receipt of the this Decision, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County.

cc:

