

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-016468
Issue No.: 2002
Case No.: ██████████
Hearing Date: February 23, 2015
County: OAKLAND-3 (SOUTHFIELD)

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 hearing was held on February 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████ the Claimant's Authorized Hearing Representative. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator and Eligibility Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly process the Claimant's medical bills for September 2013 to determine whether the deductible was met?

Did the Claimant's AHR provide timely verifications of income as requested by the Department in 2014?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was eligible to receive Medical Assistance subject to a deductible in September 2013.
2. The Claimant's AHR timely provided Medical Bills to the Department so that the bills could be processed to determine whether the deductible was met.

3. The Department (Van Buren District) requested verification of the Claimant's income for September 2013, which verification was provided by the AHR on behalf of the Claimant.
4. As of the hearing, the Department has not processed the medical bills to determine eligibility based upon the Claimant's deductible and did not have the verifications in its file that it received from the former DHS Office.
5. The Claimant/Claimant's Authorized Hearing Representative (AHR) filed a timely hearing request, protesting the Department's action for failure to process the medical bills and verification of income previously provided to the Department.

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), and Department of Human Services Reference Tables Manual (RFT).

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.

Additionally, in this case at the time of the hearing the Department had not processed in a timely manner the Claimant's medical bills previously submitted by the Claimant's AHR to determine whether the Claimant's MA deductible was met for September 2013. The Department Southfield District office had received the Claimant's file from another district that had not processed the medical bills and did not forward the verifications of income previously provided to the Department by the Claimant's AHR for September 2013. The Claimant's AHR credibly testified that the verifications were previously provided to the Department and, therefore, the medical bills should have been processed.

Based upon the evidence and testimony provided by the parties, it is determined that the verification of income was previously provided to the Department, and thus the medical bills should have been processed.

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 medical bills for September 2013.

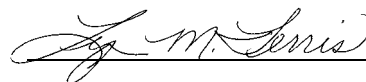
DECISION AND ORDER

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. The Department shall process the medical bills received by it for September 2013, and determine the Claimant's eligibility regarding meeting the deductible for September 2013.
2. The Department shall issue a verification checklist to the Claimant's AHR requesting it to provide verification of the Claimant's income so that the medical bills can be processed and a determination can be made regarding medical assistance eligibility for reimbursement for September 2013.
3. The Department shall advise the Claimant's AHR of its decision of Claimant's eligibility for September 2013 in writing, AND advise the AHR as to when a help desk ticket is issued and the help desk ticket number.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/25/2015**

Date Mailed: **2/26/2015**

LMF/tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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.

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 48909-8139

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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