

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017822
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: January 21, 2015
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 21, 2015, from Inkster, Michigan. Participants included the above-named Claimant. [REDACTED]

[REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], specialist.

ISSUE

The issue is whether DHS properly failed to fully process Claimant's medical expenses from 5/2013.

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 [REDACTED], Claimant applied for Medical Assistance (MA) benefits, including retroactive MA benefits (see Exhibits A1-A2) from 5/2013.
2. On an unspecified date, Claimant timely submitted medical expenses incurred in 5/2013.
3. On [REDACTED], DHS approved Claimant for MA for 5/2013, subject to a \$1582 deductible.
4. As of the date of the hearing, DHS failed to process Claimant's medical expenses from 5/2013.

5. On [REDACTED] Claimant requested a hearing to dispute the DHS failure to process medical expenses incurred in 5/2013.

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a DHS failure to process medical expenses incurred in 5/2013 toward a Medicaid deductible. DHS gave multiple excuses for their failure.

During the hearing, DHS repeatedly stated that Claimant was an MA benefit recipient who requested case closure beginning 4/2013. DHS never explained why Claimant's alleged closure request justified a failure to process a subsequent application. Claimant's alleged case closure request has no relevance to DHS' failure to process Claimant's 5/2013 MA eligibility.

The DHS Hearing Summary stated that Claimant applied for retroactive MA benefits from 7/2013. The implication of the statement was that Claimant did not apply for retroactive MA benefits from 5/2013. DHS did not support the allegation with documentation. Instead, Claimant's AHR presented Claimant's Retroactive Medicaid Application (Exhibits A1-A2). The presented application verified that Claimant applied for retroactive MA benefits going back to 5/2013.

Eventually, DHS testimony conceded that Claimant applied for MA benefits for 5/2013 and that DHS should have processed Claimant's request for retroactive MA eligibility. DHS testimony also conceded that an attempt was made to process Claimant's 5/2013 medical expenses towards a Medicaid deductible. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month tested. BEM 545 (7/2013), p. 11.

It was not disputed that Claimant incurred \$6,628.48 in medical expenses in 5/2013. Claimant's medical expenses exceed her Medicaid deductible of \$1582 (see Exhibits 1-3). Accordingly, it is found that DHS improperly failed to process Claimant's reported and verified medical expenses from 5/2013 towards Claimant's Medicaid deductible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's MA expenses incurred from 5/2013. It is ordered that DHS process Claimant's \$6,628.48 medical expenses incurred from 5/2013.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/29/2015**

Date Mailed: **1/29/2015**

CG / hw

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:

