

**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.: 15-000329
Issue No.: 2004
Case No.: ██████████
Hearing Date: February 19, 2015
County: WAYNE-19 (INKSTER)

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, an in-person hearing was held on February 19, 2015, from Inkster, 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 ██████████ Medical Contact Worker, and Eligibility Specialist.

ISSUE

Did the Claimant's AHR's file the hearing request dated December 29, 2014 timely?

Did the Department properly process the Claimant's retro application for August 1, 2010?

FINDINGS OF FACT

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

1. The Claimant applied for MA-P and Retro MA-P (August 2010) on October 29, 2010. Claimant Exhibit 3
2. The Claimant's hearing request dated December 29, 2014 was timely as it was a request to process the retro application.
3. The Department's Eligibility Summary presented at the hearing indicated Claimant was approved for Ad Care effective October 1, 2010 and was certified on August 1, 2011. Exhibit A

4. On June 21, 2013, after numerous requests to determine the status of Claimant's application, the Department provided a Notice of Case Action dated August 1, 2011, indicating Claimant was approved for AD Care effective October 1, 2010. Claimant Exhibit 2.
5. As of the date of the hearing, the Department had not processed the retro MA-P application for August 2010.
6. The Claimant filed several requests for hearing which were never processed: (no notice of MRT denial sent to AHR hearing requested June 15, 2011); (Failure of DHS to send Notice of Case Action to AHR as per ALJ Order, instead Notice of Case Action received approved MA as of October 1, 2010), (request of October 8, 2013). Claimant Exhibit 4, Claimant Exhibit 5, Claimant Exhibit 6 and Claimant Exhibit 7.
7. On June 6, 2014, emails were sent to the Department requesting the hearing summary for October 8, 2013 and in response, DHS indicates hearing was completed as of January 1, 2013 (prior to the October 8 request for hearing). The AHR's email included a copy of the October 8, 2014 request for hearing. Requests to process this hearing request were made on June 10, 2014 and August 28, 2014, to no avail.
8. Lastly, the AHR requested another hearing for failure of the Department to process the October 29, 2010 retro application on December 29, 2014.

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.

Additionally, at the hearing, the Department indicated that the October 29, 2010 application was approved for full Medicaid based upon an eligibility summary and Notice of Case Action. Exhibit A and Claimant Exhibit 2. The Department provided no evidence that the Claimant's retroactive application dated October 29, 2010 was ever processed. At the hearing, the Claimant's AHR presented proof that the retroactive medical assistance application was provided and received by the Department of Human Services, Inkster District Office. Claimant Exhibit 3. Based on the facts presented, it is

determined that the Department failed to process the retro application when it was received and after Medicaid was approved and, therefore, must process the retroactive application and determine non-medical ongoing eligibility, if required, for the retroactive coverage for August 2010. Given the fact that the Department never processed the retroactive application, and failed to process several hearing requests without any explanation it is determined that the Claimant Request for hearing dated December 29, 2014 is timely. The AHR did everything in its power to request hearings for failure to process the retro application which were never scheduled. The Department could not explain the reason why no hearing requests were processed.

The Administrative 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 provide the Claimant's AHR hearing requests and failed to process the October 29, 2010 retro medical application.

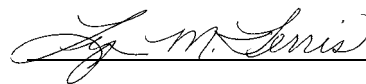
DECISION AND ORDER

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 October 29, 2010 retro application for August 2010 provided at the hearing and marked Claimant Exhibit 3 for Medical Assistance and determine non-medical eligibility, if not already completed, based upon its approval of the October 29, 2010 application for medical assistance.
2. The Department shall provide notice to the **Claimant and Claimant's AHR** with regard to its determination regarding the October 29, 2010 retroactive MA-P application.



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

Date Signed: February 25, 2015

Date Mailed: February 25, 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]