

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

IN THE MATTER OF:



Reg. No.: 15-001561
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: March 16, 2015
County: Wayne (49)

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, a telephone hearing was held on March 16, 2015, from Detroit, Michigan. [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 failed to process Claimant's Medical Assistance (MA) eligibility.

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 MA benefits, including retroactive MA benefits from 11/2013.
2. On an unspecified date, DHS processed Claimant's MA eligibility from 1/2014.
3. DHS failed to process Claimant's MA eligibility from 11/2013 and 12/2013.
4. On [REDACTED], Claimant's AHR requested a hearing to dispute the DHS failure to process Claimant's MA eligibility from 11/2013 and 12/2013.

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. DHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. DHS 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).

The DHS Hearing Summary contended that Claimant's AHR's hearing request was untimely. DHS alleged that written notice approving Claimant for MA benefits was issued on [REDACTED]. The written notice concerned Claimant's MA eligibility effective 1/2014. It was not disputed that Claimant's AHR requested a hearing on [REDACTED].

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (7/2013), p. 5. The request must be received in the local office within the 90 days. *Id.*

The 90 day timeframe that Claimant has to request a hearing does not begin until DHS issues a written notice. Claimant's AHR's hearing request would be untimely concerning any MA eligibility dispute from 1/2014; Claimant is not disputing Claimant's approved MA eligibility from 1/2014. Claimant disputes the failure of DHS to process Claimant's MA eligibility from 11/2013 and 12/2013. For the months of 11/2013 and 12/2013, DHS did not issue a written notice. It is found that Claimant's AHR timely requested a hearing.

Claimant's AHR requested a hearing to dispute DHS' failure to process Claimant's retroactive MA request for the months of 11/2013 and 12/2013. The DHS Hearing Summary stated that Claimant's MA eligibility was processed. During the hearing, DHS testimony conceded that Claimant's retroactive MA request was not processed.

Retro MA coverage is available back to the first day of the third calendar month prior to the current application for FIP and MA applicants and persons applying to be added to the group. BEM 115 (1/2014), p. 11. The standard of promptness for processing MA applications is 45 days (90 days if disability is an eligibility factor). *Id.*, p. 15.

Over one year has passed since DHS received Claimant's request for retroactive MA benefits for 11/2013 and 12/2013. DHS has still not processed Claimant's MA eligibility for 11/2013 and 12/2013. It is found that DHS violated their standard of promptness in processing Claimant's retroactive MA benefit request.

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 eligibility from 11/2013 and 12/2013. It is ordered that DHS process Claimant's retroactive MA eligibility from 11/2013 and 12/2013.

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



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

Date Signed: **3/19/2015**

Date Mailed: **3/19/2015**

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:

