

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019608
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 20, 2015
County: Wayne (76)

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 April 20, 2015, from Detroit, 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 Health and Human Services (DHHS) included [REDACTED], medical contact worker.

ISSUE

The issue is whether DHHS properly complied with an administrative order to reprocess Claimant's Medical Assistance (MA) application.

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.
2. On [REDACTED], DHHS denied Claimant's application for the reason that Claimant was determined by the Medical Review Team to be not disabled.
3. On an unspecified date, Claimant's AHR requested a hearing to dispute the DHHS denial.
4. On [REDACTED] an administrative law judge from the Michigan Administrative Hearings System ordered DHHS to reprocess Claimant's application.

5. DHHS failed to comply with the administrative order.
6. On [REDACTED], Claimant's AHR requested a hearing to dispute the DHS failure to comply with a previous administrative order concerning Claimant's MA application.

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. DHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. DHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's AHR's hearing request, it should be noted that the request noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

Claimant's AHR requested a hearing concerning Claimant's MA application dated [REDACTED]. The DHHS Hearing Summary argued that Claimant's application was properly denied in 2013. Claimant's AHHR responded that the DHHS argument was already addressed by an administrative hearing in 2014.

Claimant's AHHR presented a Hearing Decision (Exhibits A1-A5) dated [REDACTED]. The presented Hearing Decision ordered DHHS to perform the following actions:

- reinstate Claimant's application dated [REDACTED], including retro MA benefits;
- process the request for MA benefits; and
- issue a Notice of Case Action to Claimant and the authorized representatives.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the D&O. BAM (July 2014), p. 41. DHS is to complete the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. *Id.*, p. 42.

Based on the DHHS Hearing Summary, there was no reason to find that DHHS complied with the previous administrative order. During the hearing, DHS testified that Claimant was approved for MA benefits from before August 2012 based on an approval for Supplemental Security Income (SSI) benefits. The DHHS testimony was

appreciated, though proof of the MA eligibility approval should have been submitted before the hearing so that Claimant's AHR could have verified the approval. Evidence of resolving Claimant's complaint was not welcomed at the hearing because the evidence should have been previously submitted.


It is found that DHHS failed to comply with the administrative order dated [REDACTED], [REDACTED]. DHHS will be ordered to again process Claimant's MA eligibility. If DHHS has already done so, verification can be submitted as part of the compliance requirements for the below order.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS improperly failed to comply with an administrative order dated [REDACTED]. It is ordered that DHHS perform the following actions:

- (1) reinstate Claimant's MA application dated [REDACTED], including any request for retroactive MA benefits; and
- (2) initiate processing of Claimant's MA application.

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



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

Date Signed: **4/21/2015**

Date Mailed: **4/21/2015**

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

