

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

IN THE MATTER OF:



Reg. No.: 15-000918
Issue No.: MEDICAID - ELIGIBILITY
Case No.: [REDACTED]
Hearing Date: March 24, 2015
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 24, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED] Assistance Payments Supervisor.

ISSUE

Did the Department properly not determine Claimant's eligibility for a Medical Assistance (MA) application that was alleged to have been filed on October 31, 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. Claimant's AHR alleges that an application for MA and retroactive MA was filed on Claimant's behalf on October 31, 2013, at the Wayne County Greydale District office.
2. The coversheet for the application materials allegedly submitted on October 31, 2013, has a date stamp of "RECEIVED OCT 31 2013."
3. In an email, the District Manager for the Wayne County Glendale/Trumble and Greydale District office responded that the coversheet is not proof of submission and confirmed that if the application had been filed at that office it would have that District's receive date stamp on the document.
4. In an email, the Social Services Administrative Supervisor at the Oakland County, Madison Heights District Office, confirmed that office never received the application and the date stamp is not theirs.

5. On January 7, 2014, the AHR filed a Hearing Request contesting the Department's lack of response to the October 31, 2013, MA application.

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.

A request for assistance may be in person, by mail, telephone, email or online. BAM 110, 7-1-2014, p. 1. The date of application is the date the local office receives the required minimum information on an application or the filing form. The date of application does not change for FIP, SDA, MA, CDC or AMP when the application is transferred to another local office. BAM 110, p. 5. A person may request or apply for assistance electronically or in any local office in Michigan. The application must be processed by a local office serving the county or district where the person lives or is institutionalized. BAM 110, p. 15.

Claimant's AHR alleges that an application for MA and retroactive MA was filed on Claimant's behalf on October 31, 2013. The AHR testified she believes the application was hand delivered at the Greydale District Office. This is consistent with the information written on the coversheet indicting the intent to file the application at "DHS office: Greydale."

Claimant's address in Ferndale, Michigan, is in Oakland County. Accordingly, anything submitted at a Wayne County District office would be forwarded to the appropriate Oakland County office for processing. The Assistance Payments Supervisor confirmed that Claimant is in the area the Oakland County, Madison Heights District Office would handle.

The coversheet for the application materials allegedly submitted on October 31, 2013, has a date stamp of "RECEIVED OCT 31 2013."

In an August 19, 2014, email, the District Manager for the Wayne County Glendale/Trumble and Greydale District office responded that the coversheet with this date stamp is not proof of submission and confirmed that if the application had been filed at that office it would have that district's receive date stamp on the document.

Additionally, in June or July 2014, the AHR received an email from the Social Services Administrative Supervisor at the Oakland County, Madison Heights District Office, confirming that office never received the application and the date stamp is not theirs.

Overall, there was not sufficient credible evidence to establish that the MA application was submitted to the Department on October 31, 2013. The date stamp of "RECEIVED OCT 31 2013" does not establish which, if any, local Department office received this application. The Department's assertion that the local Department offices use specific date stamps is found credible. More specifically, the emails indicating both the Wayne County, Greendale District office and the Oakland County, Madison Heights District Office utilize specific date stamps is supported by the date stamps on the hearing request. The hearing request shows date stamps that are specific for the "GREYDALE DHS" office and for the "OCDHS District II" office documenting when each those office received this document. The Department has submitted sufficient credible evidence that the alleged application was not received on October 31, 2013, at the Wayne County, Greendale District office, and further that the alleged application was never received at the Oakland County, Madison Heights District Office District office, which would process an application for Claimant based on his address.

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 acted in accordance with Department policy when it did not determine Claimant's eligibility for a Medical Assistance (MA) application that was alleged to have been filed on October 31, 2013.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/7/2015**

Date Mailed: **4/7/2015**

CL/hj

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:

