

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000706
Issue No.: 2011
Case No.: [REDACTED]
Hearing Date: March 24, 2015
County: OAKLAND-DISTRICT 4

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 her authorized hearing representative, [REDACTED] of [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED] and [REDACTED] of the Oakland County Prosecuting Attorney's Office.

ISSUE

Did the Department properly deny Claimant's April 16, 2014 application for retroactive Medical Assistance for the months of February and March 2014?

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 November 20, 2013, Claimant was put in child support noncooperation status by the Oakland County Prosecuting Attorney's Office.
2. On April 4, 2014, the Oakland County Prosecuting Attorney's Office sent another appointment letter to Claimant.
3. On April 16, 2014, [REDACTED] submitted a Medical Assistance application on behalf of Claimant.
4. On April 30, 2014, Claimant did not attend her scheduled appointment at the Oakland County Prosecuting Attorney's Office.
5. On June 30, 2014, THE Oakland County Prosecuting Attorney's Office again placed Claimant in child support noncooperation status.

6. On August 12, 2014, [REDACTED] began Email inquiries about the April 16, 2014 Medical Assistance application.
7. On August 12, 2014, Claimant was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was eligible for Medical Assistance coverage from April 1, 2014 ongoing. The notice also stated that Claimant was not eligible for Medical Assistance coverage for February and March 2014 due to her failure to cooperate with child support requirements.
8. On October 17, 2014, [REDACTED] received Email notice that Claimant was not eligible prior to April 2014 due to noncooperation with child support requirements.
9. On January 8, 2015, [REDACTED] submitted a hearing request on the issue of Medical Assistance eligibility for February and March 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.

The hearing request in this case is concerned with retroactive Medical Assistance coverage for February and March 2014. Claimant's authorized hearing representative accurately pointed out that the Department erred by not providing ADVOMAS with notice of the Department's MA eligibility determination at the same time as Claimant. The record also shows that the Department did not make an eligibility determination within the standard of promptness.

It is noted that on August 12, 2014, Claimant was determined eligible for Healthy Michigan Plan coverage beginning April 1, 2014. The Healthy Michigan Plan did not exist until April 1, 2014. Medical Assistance coverage for February and March 2014 could only be applied under Medicaid categories in existence at that time. Claimant was placed in child support noncooperation status by the Oakland County Prosecuting Attorney's Office on November 30, 2013. Claimant's noncooperation status in February and March, are a function of that November 30, 2013 determination.

Bridges Eligibility Manual (BEM) 255 Child Support, under Support Disqualification at Application on page 12, states that for MA a client has 10 days to cooperate. A Verification Checklist (DHS-3503) should be sent informing the client to contact OCS

but the disqualification is imposed if the client fails to cooperate on or before the Verification Checklist (DHS-3503) due date.

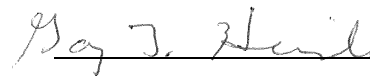
Removing a Support Disqualification, on page 14 of BEM 255 states that "Bridges will **not** restore or reopen benefits for a disqualified member until the client cooperates."

The application at issue was submitted on April 16, 2014. Claimant was in noncooperation status on that day. Any compliance action taken by Claimant could only change her status from the date of the action going forward. Even if the authorized representative had been made aware of Claimant's noncooperation status on the day of the application, and had successfully prompted Claimant to take the necessary compliance action, it would not change the fact that Claimant was in noncooperation status for February and March 2014.

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 denied Claimant's April 16, 2014 application for retroactive Medical Assistance for the months of February and March 2014.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/30/2015**

Date Mailed: **3/30/2015**

GFH/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.

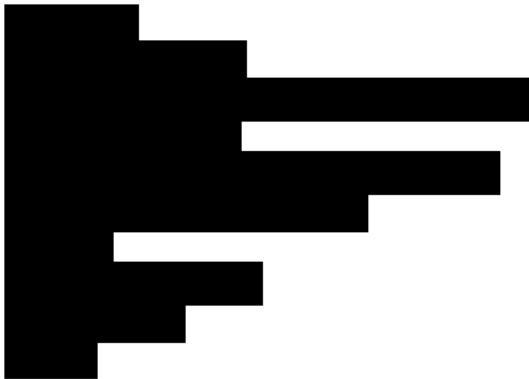
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

A large black rectangular redaction covers the names and contact information of the recipients listed under the 'cc:' field.