

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

IN THE MATTER OF:

██████████
██████████
██

Reg. No.: 15-001970
Issue No.: 2004
Case No.: ██████████
Hearing Date: April 13, 2015
County: WAYNE-DISTRICT 17
(GREENFIELD/JOY)

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; and Mich Admin Code, R 792.11002. After due notice, a three-way telephone hearing was held on April 13, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, the Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Medical Contact Worker.

ISSUE

Did the Department properly process the Claimant's application for Medical Assistance based upon disability?

Did the Department comply with a Decision and Order for Case Number ██████████ ordering the Department to process the help desk ticket # ██████████ and activate MA coverage for Claimant for April 2010 ongoing?

FINDINGS OF FACT

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

1. A Decision and Order was issued in case number 1 ██████████ by ALJ Alice Elkin ordering the Department to process a help desk ticket (██████████) and activate MA coverage as of April 1, 2010 ongoing based upon a June 10, 2010 application processed. The Decision and Order was not complied with by the Department.

2. The Department also processed another help desk ticket # [REDACTED] issued March 17, 2015 requesting another help desk ticket for MA coverage effective April 1, 2010 which requested assistance for case number(s) [REDACTED]
3. The Claimant also became eligible for SSI effective April 1, 2011.
4. At the hearing the Department testified that the Department's original help desk ticket [REDACTED] which it represented to ALJ Elkin was active, was not active at the time of the Elkin hearing and Decision and Order. In order to fix this problem the Department issued another ticket March 17, 2015 to remedy the situation.
5. The Claimant is registered in two case numbers [REDACTED].
6. The Claimant's AHR requested a hearing on February 6, 2015 seeking a hearing to have Judge Elkin's Decision and Order dated January 17, 2014 enforced for case number [REDACTED]

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Department never resolved and completed a Decision and Order issued by ALJ Elkin dated January 17, 2014 ordering the Department to process a help desk ticket [REDACTED] and activate Claimant's MA coverage effective April 1, 2010 ongoing. Currently another help desk ticket [REDACTED] has been processed for two case numbers open in the Claimant's name involving the same issue, including [REDACTED] which was the case heard and decided by Judge Elkin. There is no basis for the Department to have failed to activate coverage at this late date. The handling of this matter has been a frustrating comedy of errors where the Department has failed to fulfill its responsibilities. BAM 600 (April 1, 2015) p. 41 requires:

Some hearing decisions require implementation by the local office. Implement a decision and order within 10 calendar days of the mailing date on the hearing decision. **Do not provide a notice of case action. The hearing decision serves as notice of the action.** If implementation requires a redetermination, send a notice of case action on the redetermination action.

The Department is required to implement a Decision and Order within 10 calendar days of the mailing date of the hearing Decision and has failed to do so. BAM 600.

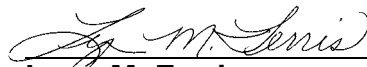
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to comply with Decision and Order issued in MAHS case number [REDACTED], DHS Case Number [REDACTED].

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 March 17, 2015 help desk ticket [REDACTED] which covers DHS case number(s) [REDACTED].
2. The Department shall activate Medical Assistance coverage April 1, 2010 ongoing.
3. The Department shall provide notice in writing to the Claimant's AHR when April 1, 2010 coverage is activated as ordered.



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

Date Signed: **5/5/2015**

Date Mailed: **5/5/2015**

LMF / cl

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:

[REDACTED]