

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-001993
Issue No.: 2001
Case No.: ██████████
Hearing Date: April 02, 2015
County: OAKLAND-DISTRICT 2
(MADISON HTS)

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 3-way telephone hearing was held on April 2, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative (AHR), ██████████, of Advomas. The Claimant did not appear. Participants on behalf of the Department of Health and Human Services (Department) included ██████████ Assistance Payments Supervisor and Hearing Facilitator, and ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly process the Claimant's MA spend down for May 2014 and other associated dates of services?

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 May 14, 2014 the Department was requested by the Claimant's AHR to process an active medical spend down case associated with DHS Case Number ██████████. A hospital facility admission notice was also provided. Exhibit 1, page 3.
2. On October 21, 2014 and December 3, 2014 the Claimant's AHR again contacted the Department requesting that it activate coverage for the spend down associated with case number ██████████ Exhibit 2.

3. The Claimant also had a DHS case open in another number, [REDACTED]. This case was open for cash, SER and FAP only.
4. At the hearing the Department conceded that it had not determined or looked at Case No. [REDACTED] and agreed to do so and process the requests of the Claimant's AHR requesting that the spend down amounts be activated.
5. The Claimant's AHR timely requested a hearing on January 28, 2015 protesting the Department's failure to process the spend down MA case to determine if the spend down was met.

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 agreed that it never responded to the Claimant's AHR's request to process a current deductible case and its request to get the current deductible MA status changed to full Medicaid due to hospital visits on May 7, 2014, May 14, 2014, October 21, 2104 and December 3, 2014. Claimant Exhibit 1, page 3. With its request to the Department on May 15, 2014, the AHR included the Facility Application Notice. The Department was given the case number at that time that was active and never responded regarding the AHR's several requests to process the spend down. The Department believed that no case was open and said it could not find the open case number, and only found a case number associated with Claimant, 116464019. Based upon the evidence presented it is determined that the Department must process the Claimant's AHR's requests for the months in question under the case number provided, 103154374. BAM 110 (July 1, 2014) P. 3.

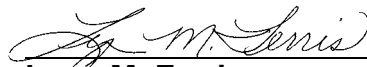
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to process requests for spend down activation for 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 locate and process the medical assistance case associated with Case Number [REDACTED] and process the medical bills to determine if the spend down has been met for the month in question and, if so, activate full Medicaid.
2. The Department shall advise Advomas in writing of its determination and whether the spend down is met.



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

Date Signed: **4/27/2015**

Date Mailed: **4/27/2015**

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]