

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 15-004916
Issue No.: 2001
Case No.: ██████████
Hearing Date: May 20, 2015
County: Oakland-District 4

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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, an in-person hearing was held on May 20, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████, hearing representative with ██████████; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payment Supervisor.

ISSUE

Did the Department properly implement the Hearing Decision issued on June 2, 2014, by Administrative Law Judge (ALJ) Jonathan Owens and process Claimant's Medical Assistance (MA) eligibility for October 2012 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. On January 31, 2013, Claimant applied for MA benefits, with retroactive MA coverage to October 2012.
2. The Medical Review Team concluded that Claimant was not disabled and denied the application.
3. Claimant requested a hearing, and a hearing on registration no. 2013-50223 was held on January 23, 2014, before ALJ Owens.

4. On June 2, 2014, ALJ Owens issued a Hearing Decision finding Claimant disabled and ordering the Department to review Claimant's nonmedical eligibility for MA for October 2012 ongoing (Exhibit A).
5. On March 18, 2015, the AHR filed a hearing request alleging that the Department had failed to process Claimant's MA application

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, in a Hearing Decision issued on June 2, 2014, ALJ Owens reversed the Department's conclusion that Claimant was not disabled, finding him disabled as of October 2012, and ordered the Department to reprocess Claimant's January 31, 2013, MA application and determine his non-medical eligibility. At the hearing, the Department testified that Claimant had been found eligible for MA from October 1, 2012 through December 31, 2014 under the Ad-Care program. It presented an eligibility summary and Request for Exception to the Twelve-Month Billing Limitation for Medical Service, MSA-1038, to show that coverage was activated and that notice was sent internally to allow providers to bill for services during the period at issue (Exhibits C and D). However, the Department representative acknowledged at the hearing that the evidence presented showed a gap in coverage from January 1, 2013 to March 31, 2013. The Department conceded that Claimant was eligible for coverage during that period and it had improperly failed to activate Claimant's MA coverage for this period. The AHR agreed that all issues regarding Claimant's MA coverage were resolved except for the January 1, 2013, to March 31, 2013, MA coverage.

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 process Claimant's MA eligibility for January 1, 2013 to March 31, 2013 and activate MA coverage for this period.

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. Provide Claimant with MA coverage he is eligible to receive from January 1, 2013 to March 31, 2013;
2. Allow Claimant's providers to bill for medical services provided during this period.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/01/2015**

Date Mailed: **6/01/2015**

ACE / tlf

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]
[REDACTED]
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