

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

**IN THE MATTER OF:**



MAHS Reg. No.: 15-012197  
Issue No.: 2004  
Agency Case No.: [REDACTED]  
Hearing Date: August 26, 2015  
County: Saginaw

**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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on August 26, 2015, from Saginaw, Michigan. Participants on behalf of Claimant included [REDACTED], [REDACTED] Authorized Hearing Representative. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly process Claimant's October 5, 2013, application for Medicaid (MA) and retroactive MA?

**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 October 5, 2013, an application for MA and retroactive MA to July 2013 was filed on Claimant's behalf by [REDACTED] the Authorized Representative (AR) for that application.
2. There is no evidence that the Department issued a determination notice for the October 5, 2013, application for MA and retroactive MA.
3. On May 21, 2015, a request for hearing was filed on Claimant's behalf.

### **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.

The Department has a responsibility to determine eligibility and benefit amounts for all requested programs. BAM 105, (October 1, 2014), p. 16).

In this case, the Department's Hearing Summary acknowledges that the application materials received from the AR on October 5, 2013, were never registered and processed. (Department Hearing Summary) There is no evidence that the Department issued a determination notice for Claimant's October 5, 2013, application for MA and retroactive MA, nor that any determination notice was issued to the AR.

It is noted that there appeared to be several other requests for MA and other benefit programs as there were changes with the household composition. In part, a [REDACTED], case comment note, addresses a June 26, 2013, request for MA and states "Lucas was denied MA because the AMP was open. Worker failed to close AMP and open MA for Lucas on spouse's case...Client suffered a cerebral hemorrhage/stroke on [REDACTED] and was hospitalized, and again hospitalized on [REDACTED] and [REDACTED]. These expenses should be covered as client should have been on this case for MA." This case comment note address benefits program requests made by the spouse, but never addresses the October 5, 2013, application for MA and retroactive MA filed by the AR. (Department Exhibit A, p. 61)

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 processed Claimant's October 5, 2013, application for MA and retroactive MA.

### **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. Determine Claimant's eligibility for the October 5, 2013, application for MA and retroactive MA to July 2013, in accordance with Department policy.
2. Expedite the related pending help desk ticket.
3. Issue written notice of the determination in accordance with Department policy.
4. Supplement for lost benefits (if any) that Claimant was entitled to receive, if otherwise eligible and qualified in accordance with Department policy



---

**Colleen Lack**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Mailed: **9/15/2015**

CL/jaf

**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:

