

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

IN THE MATTER OF:

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████████████████████

MAHS Reg. No.: 15-018234
Issue No.: 2004
Agency Case No.: ██████████
Hearing Date: December 14, 2015
County: Macomb-District 12
(Mt Clemens)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 December 14, 2015, from Detroit, Michigan. Petitioner was represented by ██████████, appeals specialist with ██████████ Petitioner's authorized hearing representative (AHR). The Department of Health and Human Services (Department) was represented by ██████████, Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's March 27, 2014 application for Medical Assistance (MA) for eligibility in February 2014 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 March 27, 2014, Petitioner applied for MA benefits with request for retroactive coverage to December 2013.
2. The Department approved Petitioner's MA coverage for December 2013 and January 2014 and for MA coverage under the Healthy Michigan Program (HMP) for April 1, 2014 ongoing.
3. On September 28, 2015, the AHR filed a request for hearing disputing the Department's failure to process Petitioner's MA application for February 2014 and March 2014 coverage.

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.

Although an issue arose during the hearing concerning the AHR's authority to represent Petitioner at the hearing, the AHR provided documentation after the hearing to establish that Petitioner had authorized it to act as his authorized hearing representative. Therefore, this Hearing Decision will proceed to the merits of the issues raised by the AHR.

The AHR requested a hearing concerning the Department's failure to process Petitioner's March 2014 application, with request for retroactive MA coverage to December 2013, to determine his eligibility for February 2014 and March 2014. At the hearing, the Department testified that it had approved Petitioner for MA coverage for December 2013 and January 2014 and for MA coverage under the HMP program for April 1, 2014, but had failed to process the application to determine Petitioner's MA eligibility for February 2014 and March 2014. The Department must process a client's MA eligibility for each retroactive month as well as the month of application ongoing. BAM 115 (March 2014), pp. 13, 14-15. By failing to process Petitioner's MA eligibility for February 2014 and March 2014, the Department failed to act in accordance with Department policy.

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 Petitioner's MA eligibility for February 2014 and March 2014.

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. Process Petitioner's eligibility for MA coverage for February 2014 and March 2014;
2. Provide Petitioner with MA coverage he is eligible to receive in February 2014 and March 2014, if any;
3. Allow providers to bill for services provided to Petitioner in February 2014 and March 2014 if Petitioner is eligible for coverage; and
4. Notify Petitioner and the AHR of its decision.



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

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

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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