

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

IN THE MATTER OF:

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Reg. No.: 15-002759
Issue No.: 2004
Case No.: ██████████
Hearing Date: April 01, 2015
County: Macomb-District 12

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. After due notice, an in-person hearing was held on April 1, 2015, from Mt. Clemens, Michigan. Participants on behalf of Claimant included Claimant; ██████████ ██████████ Claimant's boyfriend; and ██████████, Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator from the Department's Sterling Height's office who participated via 3-way telephone conference. ██████████, Hearing Coordinator from the Department's Mt. Clemens' office, sat in on the hearing but did not participate.

ISSUE

Did the Department properly process Claimant's April 30, 2010 application for Medical Assistance (MA) with request for retroactive MA coverage to January 2010?

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 April 30, 2010, the AHR, acting as Claimant's authorized representative, submitted an MA application on Claimant's behalf, requesting retroactive MA to January 2010.
2. Despite multiple requests, the Department failed to process the application.
3. On February 17, 2015, the AHR filed a request for hearing alleging the Department had failed to properly process the application.

CONCLUSIONS OF LAW

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

The AHR alleged that the Department had failed to process Claimant's April 30, 2010 MA application in accordance with the standard of promptness and in accordance with the Hearing Decision issued by the administrative law judge who presided in an August 22, 2012 hearing on the matter and ordered the Department to process the application. The Department must process an MA application involving a disability assessment, and issue an approval or denial of the application, within 90 days of the date the application is registered. BAM 115 (February 2010), p. 11. This date can be extended 60 days by deferral from the Medical Review Team (MRT). BAM 115, p. 11. The Department must also implement a hearing decision within 10 days of the date the decision is mailed. BAM 600 (August 2012), p. 7.

At the hearing, the Department acknowledged that it had not completed processing the application prior to the AHR's February 17, 2015 hearing request. The Department presented evidence that MRT had found as of January 16, 2014 that Claimant was not disabled (Exhibit A). The Department attempted to establish that Claimant and the AHR, as Claimant's authorized representative, were notified of the Department's denial of Claimant's application based on the MRT decision in a February 2015 Benefit Notice that it alleged was sent to Claimant and the AHR (Exhibit B). Both Claimant and the AHR denied receiving the Benefit Notice. The Department acknowledged that a Benefit Notice is manually issued and that it could not establish from its records that the Notice was actually sent to Claimant and the AHR. In the absence of any evidence that Claimant and her authorized representative were properly notified of the denial, the Department did not act in accordance with Department policy. BAM 110 (July 2014), p. 9; BAM 220 (October 2014), pp. 1-2.

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 properly process Claimant's April 30, 2010 MA application with request for retroactive MA coverage to January 2010.

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. Complete processing Claimant's April 30, 2010 MA application with request for retroactive MA coverage to January 2010; and
2. Send written notice of its decision to Claimant and the AHR.



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

Date Signed: **4/15/2015**

Date Mailed: **4/15/2015**

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 party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (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.

