

**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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████████████████████

Reg. No.: 15-003831
Issue No.: 2004
Case No.: ██████████
Hearing Date: April 27, 2015
County: OAKLAND-DISTRICT 3
(SOUTHFIELD)

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 three way hearing was held on April 27, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, ██████████. The Claimant did not appear. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payments Supervisor.

ISSUE

Did the Department properly register and process the Claimant's application for Medical Assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant's AHR applied for Medical Assistance (MA) on May 2, 2014 and filed retro MA application for January through March 2014.
2. The Department denied the Claimant's application for Medical Assistance on May 13, 2014 for failure to return a Supplement Information Request, DHS Form 1004. It did not send notice of denial of the application to Claimant's AHR.
3. The Department conceded at the hearing that it failed to communicate with the AHR ██████████ and that the Department never sent the DHS 1004 to the Claimant's AHR. Claimant Exhibit 1, p. 5.

4. In an email to [REDACTED] dated July 9, 2014 the Department represented it would re-register (reinstate) the May 2, 2014 application but never did so. Claimant Exhibit 1, p. 5.
5. The Claimant's AHR requested a timely hearing request on February 27, 2015 as the Department never processed the May 2, 2014 application even though it represented it would do so on July 9, 2014 and never advised [REDACTED] that it did not re-register the application. Claimant Exhibit 1, p. 1-17.

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 represented it would re-register the Claimant's May 2, 2014 application and retro application and never did so. Thereafter, [REDACTED] continued to provide the requested verifications and completed the submission of requested documents so the application could be processed. Claimant Exhibit 1, p. 11-17.

BAM 110 requires that a duly filed application must be registered by the Department. BAM 110 (July 1, 2014) p. 7 and 19. BAM 115 requires the Department to act with promptness and to process the application and certify approval or denial of the application within 45 days. The Department must process application as quickly as possible. BAM 115 January 1, 2015, p. 15. Based upon the evidence presented that an application was duly filed by the Claimant's AHR on May 2, 2014 and retro application for February 2014 through March 2014 and that the application was never re-registered or processed, the Department had and has an obligation based upon Department policy to re-register and process the MA application.

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 Claimant's AHR's hearing request was filed timely as the Department failed to re-register and process the

application as represented and did not communicate with the Claimant's AHR after numerous status update requests.

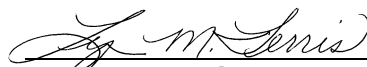
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied the May 2, 2014 application for failure to return a supplemental questionnaire never sent to the Claimant's AHR and thereafter failed to re-register the May 2, 2014 application after it conceded its error and representation made to the AHR that it would re-register on July 9, 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. The Department shall re-register and process the Claimant's May 2, 2014 application for Medical Assistance and retro application (January, February and March 2014) and determine Claimant's eligibility.
2. The Department shall provide written notice to the Claimant's AHR [REDACTED] of all future requests and actions taken or made by the Department.



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

Date Signed: **5/20/2015**

Date Mailed: **5/20/2015**

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]