



redetermination in 2015, not whether the March 7, 2014 application for MA Group 2 C was ever processed, as clearly outlined in the hearing request.

3. The Claimant's AHR filed an application for Medical Assistance requesting Group 2 C coverage on March 7, 2014. The Department's Greystone District Office received the application and retro application and date stamped the application March 7, 2014, but never processed the application to determine eligibility for the period March 2014 ongoing and retro months of January and February 2014. Claimant Exhibit 1.
4. The Claimant's AHR filed a timely hearing request dated April 21, 2015 protesting the Department's failure to process the March 7, 2014 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, the Department did not appear. At the hearing the Claimant's AHR presented a copy of the March 7, 2014 MA and retro MA application it submitted on behalf of the Claimant for Group 2 C coverage. The application was filed by the Claimant's AHR on March 7, 2014 with a retro application for January and February 2014. Claimant Exhibit 1. The Department's date stamp for March 7, 2014, (Greystone District) appears on the first page of the delivery of the application package to the Department. Based upon the evidence provided by the AHR at the hearing, the application should have been processed. Claimant Exhibit 1, p. 1. 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 and the finding that the application was duly filed by the Claimant's AHR, the Department had and has an obligation based upon Department policy to process the application.

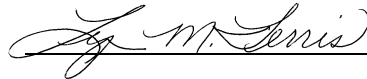
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process the March 7, 2014 medical assistance application and retro application for medical assistance.

**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 register and process the Claimant's March 7, 2014 application for Medical Assistance and retro application (January and February 2014) and determine Claimant's eligibility for Group 2 C as requested.
2. The Department shall provide written notices to the Claimant's AHR of its determination and all future requests made and actions taken by the Department.



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

Date Signed: **6/9/2015**

Date Mailed: **6/9/2015**

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]