

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-007036
Issue No.: 2004
Case No.: ██████████
Hearing Date: June 04, 2015
County: Wayne-District 57

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 4, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████, appeals specialist with ██████████s; Claimant's authorized hearing representative (AHR). The Department of Health and Human Services (Department) did not participate in the hearing.

ISSUE

Did the Department properly process Claimant's May 31, 2013, application for Medical Assistance (MA) benefits with request for retroactive coverage to February 2013?

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 May 31, 2013, Claimant applied for disability based MA benefits, with a request for retroactive coverage to February 2013.
2. Claimant's medical file was sent to the Medical Review Team (MRT).
3. On March 6, 2014, MRT deferred processing the case in order for additional medical documentation to be obtained.
4. On January 15, 2015, the AHR requested a hearing contending that the Department had failed to process the MA 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.

As a preliminary matter, it is noted that the hearing proceeded without the Department's participation. The Department did not call in for the 2:00 pm hearing. The Michigan Administrative Hearing System attempted to contact the Department several times by phone beginning at 2:15 pm with no response and by email at 2:30 with no response. The hearing proceeded at 2:43 pm in the Department's absence.

The Department must certify program approval or denial of an MA application where disability is an eligibility factor within 90 days, but MRT can extend the standard of promptness for 60 days from the date of deferral. BAM 115 (January 2015), pp. 15-16. In its hearing summary, the Department indicated that MRT had deferred processing Claimant's disability on March 6, 2014, requesting additional medical documentation. See also Exhibit A. There was no evidence that any further action was taken on Claimant's application. At the hearing, the AHR testified it was Claimant's authorized representative at the time of application. A client's authorized representative assumes all the responsibilities of a client. BAM 110 (July 2014), p. 9. Therefore, the AHR was entitled to any notices sent to Claimant. The AHR testified that it had not received a verification checklist, a notice of appointment requiring Claimant to attend a medical appointment, or a notice of case action concerning the outcome of the application. The Department did not present any documentation showing that it had completed processing the application or that the AHR was notified of any action on Claimant's case (Exhibit B).

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 Claimant's MA application.

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. Continue processing Claimant's May 31, 2013, application with request for retroactive coverage to February 2013;
2. Provide Claimant with MA coverage he is eligible to receive from February 2013 ongoing; and
3. Notify Claimant and the AHR with notice of its decision.



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

Date Signed: **6/12/2015**

Date Mailed: **6/12/2015**

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;

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:

If submitted by mail, the written request must be addressed as follows:

[illegible]