

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-008020
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: July 15, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, July 15, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant's daughter and Authorized Representative, [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Claimant's application for the Medical Assistance (MA) Medical Savings Program (MSP) for him and his wife?

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 December 18, 2014, the Claimant and his wife applied for MA MSP with retroactive benefits to November 2014. Department Exhibit 84-111.
2. On January 7, 2015, the Department approved the Claimant and his wife for MA MSP. Department Exhibit 116-119.
3. On January 8, 2015, the Department sent the Social Security Buy-In Unit an email requesting MSP for the Claimant and his wife retroactive to November 2014. Department Exhibit 120.
4. On May 1, 2015, the Claimant's daughter contacted the Department about an October medical bill and asked if buy-in could be retroactive to October 2014. Department Exhibit 121.

5. Another email was sent to the Social Security Buy-In Unit on May 1, 2015 requesting retroactive benefits to October 2014. Department Exhibit 121.
6. On May 6, 2015, the Social Security Buy-In Unit responded that they had been trying to process, but it was denied by the Case Management System. A problem file has been generated, but it does take a lengthy process, but the Claimant and his wife would be reimbursed for any premiums paid once the files are updated. Department Exhibit 121.
7. On May 14, 2015, the Claimant's daughter called stating that she received a letter for her father dated March 31, 2015 stating that he had been approved for a buy-in retroactive to November 2014. However, the Claimant's wife's name was not included so the Department sent another email to the Buy-In Unit requesting a similar letter for the Claimant's wife. Department Exhibit 122.
8. On May 15, 2015, the Department received a hearing request from the Claimant's daughter contesting the Department's actions.

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, On December 18, 2014, the Claimant and his wife applied for MA MSP with retroactive benefits to November 2014. Department Exhibit 84-111. On January 7, 2015, the Department approved the Claimant and his wife for MA MSP. Department Exhibit 116-119. On January 8, 2015, the Department sent the Social Security Buy-In Unit an email requesting MSP for the Claimant and his wife retroactive to November 2014. Department Exhibit 120.

On May 1, 2015, the Claimant's daughter contacted the Department about an October medical bill and asked if buy-in could be retroactive to October 2014. Department Exhibit 121. Another email was sent to the Social Security Buy-In Unit on May 1, 2015 requesting retroactive benefits to October 2014. Department Exhibit 121. On May 6, 2015, the Social Security Buy-In Unit responded that they had been trying to process, but it was denied by the Case Management System. A problem file has been

generated, but it does take a lengthy process, but the Claimant and his wife would be reimbursed for any premiums paid once the files are updated. Department Exhibit 121. On May 14, 2015, the Claimant's daughter called stating that she received a letter for her father dated March 31, 2015 stating that he had been approved for a buy-in retroactive to November 2014. However, the Claimant's wife's name was not included so the Department sent another email to the Buy-In Unit requesting a similar letter for the Claimant's wife. Department Exhibit 122. BEM 105, 163, 165, 225, and 550. BAM 402 and 810.

During the hearing, the Department stated that this was a Social Security issue not the Department. They have correctly processed the application for MSP. It does take 120 days for Social Security to process, but this case required a problem file to fix, which has added to the time line on the Social Security end. The Department is willing to email Social Security again, but there is nothing else that the Department can do.

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 acted in accordance with Department policy when it processed the Claimant's MSP application for him and his wife.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/22/2015**

Date Mailed: **7/22/2015**

CGF/las

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:

