

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 15-008281
Issue No.: 2001
Case No.: ██████████
Hearing Date: June 25, 2015
County: Macomb-District 20 (Warren)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 telephone hearing was held on June 25, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, her fiancé ██████████ and her Authorized Hearings Representative (AHR) ██████████, Appeals Specialist with ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits?

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 28, 2014, an administrative hearing was held with respect to Claimant's April 23, 2013, application for MA benefits. (Exhibit 1)
2. The Hearing Decision associated with the above referenced administrative hearing was mailed on May 8, 2014, and the Administrative Law Judge (ALJ) found that the Department did not act in accordance with Department policy when it processed Claimant's MA application. The ALJ ordered the Department to initiate certain actions with respect to Claimant's MA benefits. (Exhibit 1)

3. On May 19, 2015, [REDACTED] submitted a hearing request on behalf of Claimant disputing the Department's actions and requesting that the Department implement the orders of the ALJ from the previously issued hearing decision.

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, [REDACTED] requested a hearing on Claimant's behalf regarding the Department's failure to properly comply with a previously issued administrative hearing decision with respect to an application for MA benefits submitted on April 29, 2013. The Hearing Decision mailed on May 8, 2014, orders the Department to: (i) Re-register and reprocess Claimant's MA application of April 29, 2013, to include May of 2013 and ongoing; and (ii) Notify Claimant in writing of the Department's determination of eligibility. (Exhibit 1).

According to BAM 600, the Department is to implement and certify a decision and order within ten calendar days of the mailing date on the hearing decision. BAM 600 (July 2014), pp. 40-42. When a hearing decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification is sent with the decision and order. The Department is to complete the necessary case action and send the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. BAM 600, p. 42.

At the hearing, the Department testified that the application at issue was processed and that Claimant was determined eligible for MA from the application date ongoing, however, due to an error in the system, coverage was not activated. The Department stated that Claimant was determined eligible for MA under a deductible based program, but that a help desk ticket had to be issued to resolve the errors in the system and on Claimant's case. The Department did not present any documentation in support of its testimony that the application was re-registered and reprocessed in accordance with the prior hearing decision and order or that Claimant was found eligible for MA. The

Department stated that at a pre-hearing conference, [REDACTED] was notified of the error in the system and instructed to submit Claimant's medical expenses for processing, however, [REDACTED] disputed ever being notified that Claimant was approved and eligible for MA. (Exhibit A). The Department confirmed that it did not send Claimant or [REDACTED] a Health Care Coverage Determination Notice or other similar eligibility notice advising of its determination of Claimant's MA eligibility.

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 because the Department failed to present any evidence to establish that it properly complied with the previously issued hearing decision or that it completed the DHS 1843 as required by Department policy, did not act in accordance with Department policy when it processed Claimant's MA benefits.

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. Re-register and reprocess Claimant's MA application of April 29, 2013, to include May of 2013 and ongoing; and
2. Notify Claimant in writing of the Department's determination of eligibility.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/21/2015**

Date Mailed: **7/21/2015**

ZB / 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;
- 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:

Government	Percentage
Current government	70%
Previous government	30%