

**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.: 15-012566
Issue No.: 2004
Case No.: ██████████
Hearing Date: September 10, 2015
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. After due notice, a telephone hearing was held on September 10, 2015, from Detroit, Michigan.

████████████████████ testified and appeared as Claimant's authorized hearing representative (AHR). Multiple telephone calls were made to the Michigan Department of Health and Human Services (MDHHS) in an attempt to engage MDHHS' hearing participation. All calls were unsuccessful and the hearing proceeded without the appearance of a MDHHS representative.

ISSUE

The issue is whether MDHHS failed to comply with an administrative hearing order to process Claimant's Group 2 Caretaker (G2C) eligibility.

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 January 3, 2014, Claimant applied for MA benefits.
2. Claimant was a caretaker to minor children.
3. MDHHS processed Claimant's MA eligibility for Plan First.
4. MDHHS failed to process Claimant's eligibility for G2C.
5. On an unspecified date, Claimant requested a hearing.

6. On April 28, 2015, the Michigan Administrative Hearing System ordered MDHHS to process Claimant's MA application for G2C or the most beneficial MA coverage.
7. On July 6, 2015, Claimant's AHR requested a hearing concerning MDHHS' failure to comply with the administrative hearing order dated April 28, 2015..
8. As of September 10, 2015, MDHHS has not processed Claimant's MA eligibility for G2C or the most otherwise beneficial coverage.

CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Claimant's AHR requested a hearing to dispute the denial of Claimant's MA application dated January 3, 2014. Claimant's AHR indicated that the dispute was already addressed by a previous administrative hearing order.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the hearing decision. BAM (April 2015), p. 42. Complete the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. Complete and mail the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file.

Claimant's AHR presented a Hearing Decision (Exhibits A1-A4) dated April 28, 2015. The decision stated that MDHHS processed Plan First eligibility for Claimant but failed to evaluate Claimant for more beneficial MA categories. The decision ordered MDHHS to "reprocess the Claimant's January 3, 2014 MA application and determine Claimant's eligibility for MA based upon a group 2 caretaker of minor or the most beneficial coverage she is eligible for and process the application and any retroactive application..." The decision further ordered MDHHS to "provide the Claimant's AHR Advomas written notice of all actions taken..."

Claimant's AHR testified that a subsequent correspondence exchange with MDHHS indicated that MDHHS would not process Claimant's application for G2C or any other MA category. Claimant's AHR further testified that MDHHS has still not provided written notice of the reprocessing of Claimant's application. Claimant's AHR's testimony was

credible and un rebutted. It is found that MDHHS failed to comply with the administrative hearing order dated April 28, 2015.

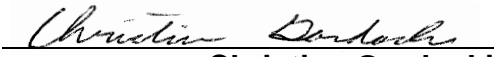
As of September 10, 2015, Claimant's AHR requested two hearings disputing the failure by MDHHS to properly process Claimant's MA application. Both hearings resulted in MDHHS ordered to properly process Claimant's MA application. As of the date of the second hearing, MDHHS still has not provided evidence of proper processing. Any further failure by MDHHS to process Claimant's MA application would be extremely unwelcomed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Claimant's application for MA benefits. It is ordered that MDHHS perform the following actions:

- (1) reprocess Claimant's MA application dated January 3, 2014, subject to the finding that MDHHS failed to comply with an administrative order dated April 28, 2015, which ordered MDHHS to process Claimant's MA eligibility for G2C and/or more beneficial programs than Plan First; and
- (2) issue notice of the processing to Claimant's AHR in compliance with MDHHS policy.

The actions taken by MDHHS are **REVERSED**.


Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Signed: **9/11/2015**

Date Mailed: **9/11/2015**

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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 party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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