

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-014907
Issue No.: 2004
Agency Case No.: [REDACTED]
Hearing Date: October 08, 2015
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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 3 way hearing was held on October 8, 2015, from Detroit, Michigan. The Petitioner was represented by [REDACTED] the Petitioner's Authorized Hearing Representative. The Petitioner did not appear. The Department was represented by [REDACTED], Eligibility Specialist and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly process the Petitioner's Medical Assistance (MA) application and retro MA application for February 2014?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner/AHR filed an application for MA and a retro application for the months of February, March and April 2014 on [REDACTED]. Exhibit 1
2. There was a date stamp on the transmittal form submitting the MA application and retro MA application dated [REDACTED] which checked off all the items that were submitted. Exhibit 1
3. At the time of the hearing, the Department had registered the application and retro application, but had not processed them at the time of the hearing due to a Bridges error.

4. The Petitioner's AHR requested a timely hearing on [REDACTED] requesting the Department process the [REDACTED] MA application, or if processed, provide the AHR notice of the Department's eligibility 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, the Department has not processed the MA application and retro MA application filed by the Petitioner's AHR on [REDACTED]. Exhibit 1. The Department testified at the hearing that the application and retro application had been registered at the time of the hearing, but had not been processed due a problem in Bridges which would not allow the Department to register the application for May 2014 (the month it was filed). Although the Department questioned receipt of the application, its file did contain some of the items on the checklist. Based on the evidence presented at the hearing, it is determined that the application was provided and received by the Department on [REDACTED] as evidenced by the Department's date stamp on the transmittal letter.

Department policy requires that once an application is received the Department must register and process the application. BAM 115 (October 1, 2015). Thus the Department is required to process the Petitioner's MA application and retro MA application filed by Petitioner's AHR on Petitioner's behalf and determine 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 the Department did not act in accordance with Department policy when it failed to process the Petitioner's MA and retro MA applications.

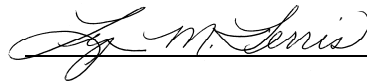
DECISION AND ORDER

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 process the Petitioner's MA and retro MA applications dated [REDACTED] and determine eligibility for MA benefits in accordance with Department policy.
2. The Department shall provide written notice of its eligibility determination and all other written requests for information necessary to process the applications to both the Petitioner and the Petitioner's AHR.



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

Date Signed: **10/23/2015**

Date Mailed: **10/23/2015**

LMF / hw

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.

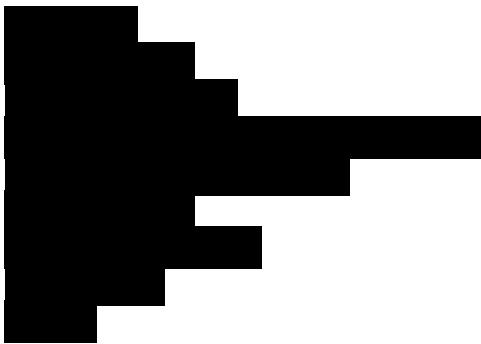
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

A large black rectangular redaction box covers the names and email addresses of the recipients listed in the CC field.