



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: March 11, 2016

MAHS Docket No.: 15-023954

Agency No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 telephone hearing was held on March 7, 2016, from Detroit, Michigan. Petitioner appeared for the hearing with her husband, [REDACTED] and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist. [REDACTED] served as Spanish interpreter.

ISSUE

Did the Department properly process Petitioner's October 2015 application for retroactive 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 May 4, 2015, Petitioner submitted an application for MA benefits on behalf of her children, with a request for retroactive MA coverage to April 2015. (Exhibit A, pp. 5-10)
2. On an unverified date, the Department notified Petitioner of the approval of the MA application.
3. On or around October 29, 2015, Petitioner submitted a Retroactive MA application on behalf of her son, requesting MA coverage for the month of March 2015, as he had unpaid medical expenses. (Exhibit 1)

4. The Electronic Case File for Petitioner's case number (101927241) indicates that the Department received a redetermination/application on October 29, 2015. (Exhibit A, p.3)
5. The Department failed to process Petitioner's Retroactive MA request and failed to notify her of her son's MA eligibility from March 1, 2015, ongoing.
6. On December 14, 2015, Petitioner requested a hearing disputing 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.

Petitioner requested a hearing disputing the Department's actions with respect to the MA program, specifically an application for Retroactive MA benefits that was submitted on behalf of her son, on which she requests coverage for the month of March 2015. (Exhibit 1). Petitioner stated that in October 2015, she submitted the application to the Department and maintained that it was scanned in the system at the local office. Initially, the Department asserted that it did not receive the retroactive MA application and that the only application received was the one submitted on May 4, 2015, requesting retro coverage to April 2015. Later in the hearing and upon review of the electronic case file, the Department stated that there was an application received on October 29, 2015. (Exhibit A).

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2015), pp.4-7, 18-19. Retro MA coverage is available back to the first day of the third calendar month prior to the current or most recent application for MA applicants. BAM 115 (October 2015), pp. 1-14.

Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard of promptness (SOP). The SOP begins the date the department receives an application/filing form, with minimum required information. The SOP is 45 days for an MA application in which disability is not an eligibility factor and 90 days for an application involving MA in which disability is an eligibility factor, with this date being extended in 60 day intervals by deferral by the Medical Review Team. BAM 115, pp. 1,12-19,22-23. The Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action, which is printed and mailed centrally from the consolidated print center. A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 1,18;BAM 220 (October 2015), pp. 1-3.

The Department failed to present any evidence during the hearing to establish that it registered and processed the retroactive MA application in accordance with Department policies. Petitioner stated that she did not receive any notices from the Department concerning the application and that she was not notified if the application was approved or denied. The Department was unable to present any documentation to establish that it properly notified Petitioner of its decision with respect to the application and her son's eligibility for the retro period requested.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Petitioner's October 2015, Retroactive MA application, requesting MA coverage to March 2015.

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. Register and process Petitioner's October 2015, Retroactive MA application to determine Petitioner's son's eligibility for MA benefits under the most beneficial category;
2. Provide Petitioner's son with any MA coverage that he was entitled to receive but did not from March 1, 2015, ongoing; and
3. Notify Petitioner of its decision in writing.



ZB/tlf

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

cc:



NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

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