



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 15, 2016
MAHS Docket No.: 15-023955
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 2, 2016, from Lansing, Michigan. Petitioner was represented by herself and her mother, [REDACTED]. Petitioner also brought [REDACTED] to assist her in Spanish translation. The Department was represented by Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly process Petitioner's retroactive Medical Assistance (MA) application(s)?

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 August 20, 2015, Petitioner submitted an application for Medical Assistance (MA) benefits.
2. On October 22, 2015, Petitioner was sent a Health Care Coverage Supplemental Questionnaire (DHS-1004). The form was due back on November 2, 2015.
3. On November 4, 2015, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was: eligible for full coverage MA for June 1 2015 to July 31, 2015; not eligible for MA from August 1, 2015 ongoing; and not eligible for MA from May 1 – 31, 2015.

4. On November 5, 2015, Petitioner submitted a retroactive Medical Assistance (MA) application.
5. On November 6, 2015, Petitioner submitted a retroactive Medical Assistance (MA) application.
6. On November 15, 2015, Petitioner submitted a retroactive Medical Assistance (MA) application.
7. On December 15, 2015, Petitioner submitted a hearing request which states she submitted a retroactive Medical Assistance (MA) on November 5, 2015, for August 2015.

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.

During this hearing it was determined that the Department has not processed Petitioner's retroactive Medical Assistance (MA) application(s). Bridges Administration Manual (BAM) 110 Application Filing and Registration requires that all "applications, redeterminations, referrals, initial asset assessments, member adds and program adds must be registered on Bridges." Bridges Administration Manual (BAM) 115 Application Processing requires that all registered application be processed and notice issued of the Department's eligibility determination.

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 processed Petitioner's retroactive Medical Assistance (MA) application(s).

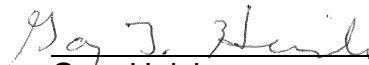
DECISION AND ORDER

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 Petitioner's retroactive Medical Assistance (MA) application(s) submitted in November 2015.
2. Process the application in accordance with Department policy.
3. Issue Petitioner a current MA eligibility notice for August 2015.

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]