



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 7, 2016
MAHS Docket No.: 15-024528
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on March 3, 2016, from Detroit, Michigan. Petitioner did not appear. [REDACTED] of [REDACTED] appeared as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED] manager, and [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly failed to process Petitioner's retroactive Medical Assistance (MA) 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 [REDACTED], Petitioner applied for MA benefits.
2. On an unspecified date, Petitioner submitted a Retroactive Medicaid Application to MDHHS which requested MA benefits from March 2015 through May 2015.
3. On [REDACTED], Petitioner's AHR requested a hearing to dispute the failure by MDHHS to process Petitioner's MA eligibility for March 2015.
4. As of the date of hearing, MDHHS has not processed Petitioner MA eligibility for March 2015.

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).

Petitioner's AHR requested a hearing to dispute a failure by MDHHS to process Petitioner's MA eligibility. The only month in dispute was for March 2015.

Retro MA coverage is available back to the first day of the third calendar month prior to the current application for FIP and MA applicants and persons applying to be added to the group... BAM 115 (July 2014), p. 11. The DHS-3243, Retroactive Medicaid Application, is used along with the DHS-4574 or DCH-1426 for retro MA applications. BAM 110 (July 2014), p. 4.

MDHHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing MA applications is 45 days (see BAM 115 (January 2015), p. 15). If disability is a factor, then the standard of promptness for processing is 90 days (see *Id.*, p. 16).

MDHHS testimony conceded that Petitioner completed all procedures necessary for the processing of her March 2015 MA eligibility. MDHHS testimony indicated a technical glitch impaired the processing of Petitioner's March 2015 MA eligibility. MDHHS testimony indicated a help desk ticket was initiated in an attempt to resolve the glitch. MDHHS testimony indicated the glitch remains unresolved.

It was not established whether Petitioner's Retroactive Medicaid Application was based on a claim of disability, or not. Either way, it was not disputed that MDHHS exceeded their standard of promptness for processing the application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly failed to process Petitioner's MA eligibility. It is ordered that MDHHS begin to process Petitioner's Medicaid eligibility for March 2015.

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



CG/ hw

Christian Gardocki
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

Counsel for Complainant

[REDACTED]

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]