

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

IN THE MATTER OF:



MAHS Reg. No.: 15-017311
Issue No.: 2004
Agency Case No.: [REDACTED]
Hearing Date: January 04, 2016
County: WAYNE-DISTRICT 76
(GRATIOT/SEVEN)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 4, 2016, from Detroit, Michigan. Petitioner is deceased. [REDACTED]

[REDACTED] was appointed personal representative of Petitioner's estate for purposes of pursuing Medicaid (MA). At the hearing, the personal representative was represented by [REDACTED], hearing representative with L [REDACTED], the authorized hearing representative (AHR). The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor/Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's [REDACTED] MA application, with request for retroactive MA coverage to December 2013?

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], the Department submitted to the Department an MA application on Petitioner's behalf (Exhibit 3).
2. In October 2014, the AHR filed a hearing request disputing the Department's failure to process the application.

3. The AHR withdrew its hearing request after the Department began processing the application by issuing a verification checklist (VCL) on [REDACTED].
4. The AHR submitted documentation to the Department in response to the VCL (Exhibit 2).
5. On [REDACTED], the AHR filed a request for hearing disputing the Department's failure to process the application and notify it of its 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.

The AHR requested a hearing concerning the Department's failure to process Petitioner's January 23, 2014 MA application with request for retroactive coverage to December 2013. The AHR presented documentation to establish that it submitted to the Department an application for MA benefits on Petitioner's behalf on [REDACTED], [REDACTED] (Exhibit 3), that the Department had started processing Petitioner's application by issuing a VCL on [REDACTED] (Exhibit 2), and that the AHR had responded to the VCL by [REDACTED] after seeking two extensions of the original due date (Exhibit 2). The AHR asserted that the Department had not sent it any notice of case action notifying it of the application denial or approval.

At the hearing, the Department was not able to dispute the AHR's position that it had submitted an application for Petitioner on [REDACTED]. Moreover, its statement in its hearing summary that it was seeking a help-desk ticket to complete the processing of the application, as well as the fact that it had issued the [REDACTED] VCL in response to the AHR's earlier request for hearing to prompt the Department to process the January 2014 MA application, supports the AHR's position that it filed an application on Petitioner's behalf in January 2014. The Department must process a client's MA eligibility for the month of application ongoing as well as each retroactive month. BAM 115 (March 2014), pp. 13, 14-15. Because the Department did not process the January

2014 application, with request for retroactive coverage to December 2013, the Department failed to act in accordance with Department policy.

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 Petitioner's [REDACTED] MA application with request for retroactive MA.

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. Reregister Petitioner's [REDACTED] MA application with request for retroactive coverage to December 2013;
2. Issue supplements to Petitioner for any MA benefits she was eligible to receive but did not from December 2013, ongoing; and
3. Notify the AHR in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/5/2016**

Date Mailed: **1/5/2016**

ACE / 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:

