



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 10, 2016
MAHS Docket No.: 16-003499

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 3, 2016, from Lansing, Michigan. The Petitioner was represented by his authorized representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Program Manager.

ISSUE

Did the Department properly fail to process the Petitioner's retroactive Medical Assistance application?

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 October 29, 2014, the Petitioner applied for MA.
2. The Department processed the Petitioner's application for MA retroactive to October 2014 for the Healthy Michigan Program (HMP).
3. On September 15, 2015, [REDACTED] submitted a retroactive MA application for September 2014.

4. The Department did not process the retroactive application submitted by [REDACTED] because the Department did not receive an authority to represent form signed by the Petitioner, but it was computer generated. Department Exhibit 4.
5. On February 10, 2016, the Department received a hearing request from [REDACTED], contesting the Department's failure to process the retroactive MA application for September 2014.

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 Petitioner applied for MA, On October 29, 2014. The Department processed the Petitioner's application for MA retroactive to October 2014 for the Healthy Michigan Program (HMP). On September 15, 2015, [REDACTED] submitted a retroactive MA application for September 2014. The Department did not process the retroactive application submitted by [REDACTED] because the Department did not receive an authority to represent form signed by the Petitioner, but it seemed computer generated. Department Exhibit 4. On February 10, 2016, the Department received a hearing request from [REDACTED], contesting the Department's failure to process the retroactive MA application for September 2014. BAM 110.

During the hearing, [REDACTED] stated that [REDACTED] did have authorization to represent the Petitioner. However, the authorization to represent previously submitted had an electronic signature that was not accepted by the Department as valid. The Department conceded that they had subsequently received a personally signed authorization to represent from [REDACTED], and would be processing the retroactive MA application. Claimant Exhibit a.

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 acted in accordance with Department policy when it did not process the Petitioner's retroactive MA application because it was not personally signed, but had a computer signature. The Department has now received an authorization to represent with the Petitioner's

personal signature on it. As a result, the retroactive application submitted by [REDACTED], Inc. will now be processed.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Carmen G. Fahie

CF/db

Carmen G. Fahie
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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
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