



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: June 10, 2016
MAHS Docket No.: 16-004833
Agency No.: [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 24, 2016, from Lansing, Michigan. The Petitioner was represented by her authorized representative, [REDACTED] [REDACTED], from [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner's retroactive application for Medical Assistance (MA) to January 2014?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner through [REDACTED] submitted an application for retroactive MA to January 2014. Department Exhibit 1, pgs. 8-9.
2. Subsequently, there was a denial of retroactive MA benefits to January 2014 because the Department believed that the Petitioner did not meet her spend down for the month in question on February 23, 2016. Department Exhibit 1, pgs. 14-15.

3. On January 20, 2016, the Petitioner had an administrative hearing, where the Department was reversed and had to redetermine eligibility for retroactive MA to January 2014. Department Exhibit 1, pgs. 10-11.
4. On April 6, 2016, the Department received a hearing request from ██████ contesting the Department's negative action.
5. On April 11, 2016, the Department sent ██████ and the Petitioner a Verification Checklists, to be completed by April 21, 2016. Department Exhibit 1, pgs. 18-38.
6. On May 11, 2016, the Petitioner attended a hearing with ██████████, who she stated were her new authorized representatives. The Department or MAHS has not received anything in writing from the Petitioner stating that she did not want ██████ to represent her any longer.
7. On May 19, 2016, the Department submitted a BRIDGES ticket ██████████ to fix the issue because the required verifications were received about the medical bills for January 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 through ██████ submitted an application for retroactive MA to January 2014. Department Exhibit 1, pgs. 8-9. subsequently, there was a denial of retroactive MA benefits to January 2014 because the Department believed that the Petitioner did not meet her spend down for the month in question on February 23, 2016. Department Exhibit 1, pgs. 14-15. On January 20, 2016, the Petitioner had an administrative hearing, where the Department was reversed and had to redetermine eligibility for retroactive MA to January 2014. Department Exhibit 1, pgs. 10-11. On April 6, 2016, the Department received a hearing request from ██████, contesting the Department's negative action. On April 11, 2016, the Department sent ██████ and the Petitioner a Verification Checklists, to be completed by April 21, 2016. Department Exhibit 1, pgs. 18-38. On May 11, 2016, the Petitioner attended a hearing with ██████████, who she stated were her new authorized representatives. The

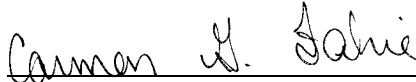
Department or MAHS has not received anything in writing from the Petitioner stating that she did not want [REDACTED] to represent her any longer. On May 19, 2016, the Department submitted a BRIDGES ticket [REDACTED] to fix the issue because the required verifications were received about the medical bills for January 2014. BAM 105, 115, 130, 220, and 402. BEM 545.

The Department has received the required verifications to determine that the Petitioner has met her MA spend down for the month of January 2014. A BRIDGES ticket BR# 0247183 to fix the issue has been issued on May 19, 2016.

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 issued A BRIDGES ticket [REDACTED] to fix the issue of opening MA for the month of January 2014 since the Petitioner has met her spend down.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. The Department is ordered to give BRIDGES ticket [REDACTED] to fix the issue of opening MA for the month of January 2014 is to be given priority.



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]
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