



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 18, 2016
MAHS Docket No.: 16-006875
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on July 07, 2016, from Lansing, Michigan. The Petitioner was represented by her daughter and authorized hearing representative [REDACTED]. The Department was represented by [REDACTED] (Assistance Payments Supervisor) and [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly deny retroactive Medical Assistance (MA) for May of 2015?

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 June 19, 2015, the Department received the Petitioner's application for Medical Assistance (MA). Exhibit A, p 3.
2. On July 16, 2015, the Department notified the Petitioner that it had denied her June 19, 2015, application for Medical Assistance (MA). Exhibit A, p 13.
3. On August 6, 2015, the Department received the Petitioner's application for Medical Assistance (MA). Exhibit A, p 16.
4. On October 2, 2015, the Department notified the Petitioner that it had denied her August 6, 2015, application for Medical Assistance (MA). Exhibit A, p 29.

5. On September 29, 2015, the Department received the Petitioner's application for Medical Assistance (MA).
6. On October 2, 2015, the Department notified the Petitioner that she was approved for Medical Assistance (MA) as of September 1, 2015. Exhibit A, p 32.
7. The Petitioner requested Medical Assistance (MA) benefits retroactive to her September 29, 2015, and on November 2, 2015, the Department notified the Petitioner that she was approved for retroactive MA benefits for June, July, and August of 2015. Exhibit A, p 35.
8. On May 23, 2016, the Department received the Petitioner's request for a hearing protesting the Department's denial of Medical Assistance (MA) for May of 2015. Exhibit A, p 2.

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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.

- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), pp 3-4.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (October 1, 2015), p. 6, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

The Petitioner applied for Medical Assistance (MA) on June 19, 2015, and August 6, 2015. Both of these applications for assistance were denied when the Petitioner was unable to obtain the verification documents the Department needed to accurately determine her eligibility for benefits.

The Petitioner's request for a hearing was received by the Department on May 23, 2016. This request for a hearing is not timely with respect to the denial of her June 19, 2015, and August 6, 2015, applications because it was not received within 90 days of the Department sending its notices. Therefore, it is not within the jurisdiction of this Administrative Law Judge to issue a determination of whether the Department's denial of the Petitioner's first two MA application was a proper application of policy.

On September 29, 2015, 2015, the Department received another application for Medical Assistance (MA). This application was approved on October 2, 2015, and the Department also granted the Petitioner's request for three months of retroactive benefits.

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. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (July 1, 2015), p 11.

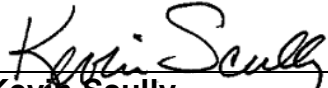
The Department granted retro MA coverage for each of the three months prior to her September 29, 2015, application for benefits. Retroactive MA benefits are not available for May of 2015 based on this application for benefits. Therefore, the Petitioner is not eligible for MA benefits in May of 2015, based on her September 29, 2015, application.

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 determined the Petitioner's eligibility for Medical Assistance (MA).

DECISION AND ORDER

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

KS/las



Kevin Scully
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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]