



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 31, 2016
MAHS Docket No.: 16-004087
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 2, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED] [REDACTED], Authorized Hearing Representative (AHR) with [REDACTED] [REDACTED] [REDACTED] [REDACTED]. A representative from the Department did not appear for the hearing and the hearing was held in the absence of the Department.

ISSUE

Did the Department properly process Petitioner's February 9, 2012, application for Medical Assistance (MA) benefits with a request for retroactive (retro) MA coverage to December 2011?

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 February 9, 2012, [REDACTED], acting as Authorized Representative (AR) on behalf of Petitioner submitted an application for MA benefits with a request for retro MA to December 2011. (Exhibit B)
2. Prior hearings were requested by [REDACTED] concerning the improper processing and denial of the above referenced application. (Exhibit 1)

3. The prior hearing requests were withdrawn by [REDACTED] as the Department acknowledged that the application was improperly processed and denied. The Department agreed to reprocess the application and determine Petitioner's MA eligibility. (Exhibit 1)
4. The Social Security Administration (SSA) determined that Petitioner was disabled and eligible for SSI as of July 2014. (Exhibit C)
5. [REDACTED] and the Department were in communication regarding the reprocessing of the application. (Exhibit 1)
6. The Department failed to properly reprocess the application and redetermine Petitioner's MA eligibility.
7. On March 2, 2016, [REDACTED] requested a hearing on Petitioner's behalf disputing the Department's failure to properly process the February 9, 2012, MA application, retro to December 2011. (Exhibit 1)

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.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (December 2011), pp.4-7, 16-19. Retro MA coverage is available back to the first day of the third calendar month prior to the current or most recent application for MA applicants. BAM 115 (December 2011), pp. 9-12.

Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard of promptness (SOP). The SOP begins the date the department receives an application/filing form, with minimum required information. The Department must certify approval or denial of the application

within 45 days. The SOP is 90 days for an application involving MA in which disability is an eligibility factor, with this date being extended in 60 day intervals by deferral by the Medical Review Team. BAM 115, pp. 1,13-19,22-23. The Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action, which is printed and mailed centrally from the consolidated print center. A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 1,18-20;BAM 220 (January 2011), pp. 1-3.

In this case, █████ requested a hearing disputing the Department's actions with respect to an application for MA benefits that it submitted on February 9, 2012, retro to December 2011, on Petitioner's behalf. The Department did not appear for the hearing, however, the Hearing Summary prepared for the hearing was read into the record. According to the Hearing Summary, the "client approved for SSI 11/01/2015. Requesting back medical coverage. Client referred to MRT to determine eligibility for back medical coverage." The Department's hearing summary was not entirely accurate, as the October 13, 2015, Notice of Award letter presented by the AHR at the hearing indicates that on "September 21, 2015, we made a decision on the request for hearing that you filed on a Supplemental Security Income (SSI) claim dated July 31, 2013. The decision was that you meet the medical requirements to receive SSI. We now find that you meet the non-medical rules. Because of this, you are eligible for SSI as of July 2014 based on being disabled." (Exhibit D).

At the hearing, the AHR testified and presented evidence to show that the Department acknowledged errors in the processing of Petitioner's February 9, 2012, MA application and that while the Department initiated some action on the reprocessing of the application, as of the hearing date, an eligibility decision had not been issued.

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 because the Department was not present to establish that the application was registered and processed according to policy or that Petitioner and her AR were issued an eligibility notice informing her of the Department's decision, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's MA application.

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. Register and process Petitioner's February 9, 2012, MA application with a request for retro MA coverage to December 2011 to determine Petitioner's eligibility for MA benefits under the most beneficial category;
2. Provide Petitioner with any MA coverage that she was entitled to receive but did not from December 2011, ongoing; and
3. Notify Petitioner and her AHR of its decision in writing.



ZB/tlf

Zainab A. Baydoun

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

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