



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: March 20, 2017  
MAHS Docket No.: 17-001100  
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 February 23, 2017, from Lansing, Michigan. The Petitioner was represented by her authorized hearing representative [REDACTED] of [REDACTED] Inc. The Department was represented by [REDACTED] Hearing Facilitator.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA)?

### **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 29, 2016, the Department received Petitioner's application for Medical Assistance (MA). Exhibit A, p 14.
2. Petitioner requested retroactive Medical Assistance (MA) benefits through March 1, 2016. Exhibit A, p 16.
3. On July 5, 2016, the Department sent Petitioner a Verification Checklist (DHS-3503) with a July 15, 2016, due date. Exhibit A, p 35.
4. On July 19, 2016, the Department notified Petitioner that she was approved for Medical Assistance (MA) effective March 1, 2016, with a \$ [REDACTED] deductible. Exhibit A, p 7.

5. Petitioner met her deductible for March of 2016.
6. On January 12, 2017, the Department received Petitioner's request for a hearing. 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.

On June 29, 2016, the Department received Petitioner's application for MA benefits and requesting retroactive MA for March of 2016. On July 19, 2016, the Department approved Petitioner for MA effective March 1, 2016, with a \$ [REDACTED] deductible. The Department's representative testified that Petitioner met her deductible for March of 2016.

Petitioner argued that the Department failed to process her request to have additional medical expenses applied in March of 2016.

The record evidence indicates that Petitioner was approved for MA benefits for March of 2016 but ongoing benefits were denied. Petitioner is not disputing ongoing MA benefits but requested a hearing based on the Department's failure to process medical expenses incurred in March of 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 did not act in accordance with Department policy when it failed to process medical expenses incurred in March of 2013, after approving Petitioner for retroactive Medical Assistance (MA) in that month.

### **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:

Initiate a determination of the Petitioner's eligibility for retroactive Medical Assistance (MA) benefits effective March 1, 2016, and process any eligible medical expenses verified by Petitioner as directed by policy.

KS/nr

  
\_\_\_\_\_  
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

**Counsel for Petitioner**

[REDACTED]

**DHHS**

[REDACTED]

**Petitioner**

[REDACTED]