

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 15-003831  
Issue No.: 2004  
Case No.: ██████████  
Hearing Date: April 27, 2015  
County: OAKLAND-DISTRICT 3  
(SOUTHFIELD)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**HEARING DECISION**

Following Claimant'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 three way hearing was held on April 27, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, ██████████. The Claimant did not appear. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly register and process the Claimant's application for Medical Assistance?

**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 Claimant's AHR applied for Medical Assistance (MA) on May 2, 2014 and filed retro MA application for January through March 2014.
2. The Department denied the Claimant's application for Medical Assistance on May 13, 2014 for failure to return a Supplement Information Request, DHS Form 1004. It did not send notice of denial of the application to Claimant's AHR.
3. The Department conceded at the hearing that it failed to communicate with the AHR ██████████ and that the Department never sent the DHS 1004 to the Claimant's AHR. Claimant Exhibit 1, p. 5.

4. In an email to [REDACTED] dated July 9, 2014 the Department represented it would re-register (reinstate) the May 2, 2014 application but never did so. Claimant Exhibit 1, p. 5.
5. The Claimant's AHR requested a timely hearing request on February 27, 2015 as the Department never processed the May 2, 2014 application even though it represented it would do so on July 9, 2014 and never advised [REDACTED] that it did not re-register the application. Claimant Exhibit 1, p. 1-17.

### **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 Department represented it would re-register the Claimant's May 2, 2014 application and retro application and never did so. Thereafter, [REDACTED] continued to provide the requested verifications and completed the submission of requested documents so the application could be processed. Claimant Exhibit 1, p. 11-17.

BAM 110 requires that a duly filed application must be registered by the Department. BAM 110 (July 1, 2014) p. 7 and 19. BAM 115 requires the Department to act with promptness and to process the application and certify approval or denial of the application within 45 days. The Department must process application as quickly as possible. BAM 115 January 1, 2015, p. 15. Based upon the evidence presented that an application was duly filed by the Claimant's AHR on May 2, 2014 and retro application for February 2014 through March 2014 and that the application was never re-registered or processed, the Department had and has an obligation based upon Department policy to re-register and process the MA 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 Claimant's AHR's hearing request was filed timely as the Department failed to re-register and process the

application as represented and did not communicate with the Claimant's AHR after numerous status update requests.

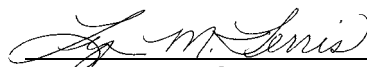
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied the May 2, 2014 application for failure to return a supplemental questionnaire never sent to the Claimant's AHR and thereafter failed to re-register the May 2, 2014 application after it conceded its error and representation made to the AHR that it would re-register on July 9, 2014.

### **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. The Department shall re-register and process the Claimant's May 2, 2014 application for Medical Assistance and retro application (January, February and March 2014) and determine Claimant's eligibility.
2. The Department shall provide written notice to the Claimant's AHR [REDACTED] of all future requests and actions taken or made by the Department.



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**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **5/20/2015**

Date Mailed: **5/20/2015**

LMF / cl

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days

