

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

**IN THE MATTER OF:**

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

Reg. No.: 15-003547  
Issue No.: 2001  
Case No.: ██████████  
Hearing Date: April 23, 2015  
County: Wayne-District 15 (Greydale)

**ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**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 3-way telephone hearing was held on April 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████ ██████████, authorized representative with ██████████ ██████████; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Health and Human Services (Department) included ██████████ ██████████, Assistance Payment Worker/Medical Contact Worker.

**ISSUE**

Did the Department properly deny Claimant's June 27, 2014, application for Medical Assistance (MA) benefits with request for retroactive coverage to March 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. On June 27, 2014, the AHR submitted an MA application on Claimant's behalf seeking retroactive coverage to March 2014.
2. Claimant's medical documents were referred to the Medical Review Team (MRT).
3. On October 21, 2014, MRT requested that the Department obtain a mental status evaluation (Exhibit B).
4. On October 24, 2014, the Department sent Claimant, and faxed to the AHR, a medical appointment confirmation notice advising Claimant that he had a doctor's

appointment on November 4, 2014, at 9:00 am and his failure to attend could result in the denial of his medical assistance (Exhibits C and D).

5. Claimant did not attend the November 4, 2014, medical appointment.
6. On November 11, 2014, the Department sent Claimant and the AHR a Health Care Coverage Determination Notice denying the MA application because Claimant was not under 21, pregnant, the caretaker of a minor child in the home, over 65, blind or disabled.
7. On February 25, 2015, the AHR filed a request for hearing disputing the Department's action.

### **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.

As a preliminary matter, it is noted that the AHR's February 25, 2015, request for hearing was not timely filed within 90 days of the Department's November 12, 2014, Health Care Coverage Determination Notice denying Claimant's MA application. BAM 600 (January 2015), p. 6. The AHR contended that, because the Notice did not specify that Claimant's MA application was denied because he had failed to attend the doctor's appointment, it was not aware of the basis of the Department's denial until it received the Hearing Summary the Department prepared on December 23, 2014, in response to its prior hearing request. The AHR argued that it should be deemed as receiving timely notice of the Department's actions as of the date it received the December 23, 2014, hearing summary. However, the fact that the AHR had previously timely requested a hearing with respect to the November 11, 2014, Notice denying the application and willingly withdrew its hearing request at the time the Department explained that the application was denied due to Claimant's failure to attend the appointment undermines its argument. In this case, the AHR's hearing request was not timely submitted.

Even if the merits of Claimant's issue are addressed, the Department acted in accordance with Department policy when it denied Claimant's application due to his failure to attend the November 4, 2014, doctor's appointment. BEM 260 (July 2014), p. 5, provides that a client who fails to submit to an exam necessary to determine disability cannot be determined disabled and the client's application should be denied. The client has the responsibility to call the doctor, in advance, to reschedule if the client is unable to keep the appointment and to call his specialist if assistance is needed in rescheduling the appointment. BAM 815 (July 2014), p. 10.

In this case, the AHR testified that it had contacted Claimant before November 4, 2015, and arranged to provide him with transportation to the doctor's office that morning. However, it was notified on the morning of November 4, 2014, by the cab service it had hired that Claimant was not present or available when it arrived. Because Claimant did not attend the November 4, 2014, doctor's appointment and no arrangements were made to reschedule the appointment before November 4, 2014, 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 denied Claimant's June 27, 2014, MA application with request for retroactive coverage to March 2014.

#### **DECISION AND ORDER**

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



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**Alice C. Elkin**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **5/7/2015**

Date Mailed: **5/7/2015**

ACE / tlf

**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 of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

