



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 24, 2016
MAHS Docket No.: 15-024388
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 21, 2016, from Detroit, Michigan. Petitioner did not appear for the hearing. Petitioner was represented by [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS failed to fully process Petitioner's Medicare Savings Program (MSP) application.

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 [REDACTED], Petitioner submitted an Assistance Application to MDHHS.
2. Petitioner's application requested retroactive MSP benefits.
3. On [REDACTED], MDHHS approved Petitioner for MSP benefits, effective October 2015.
4. On [REDACTED], Petitioner's AHR requested a hearing to dispute the failure by MDHHS to fully process Petitioner's MSP application.

CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing concerning Petitioner's MSP eligibility. Specifically, Petitioner's AHR alleged MDHHS failed to process Petitioner's application requesting MSP benefits.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2015), p. 15. [For MA benefits when disability is to an eligibility factor, MDHHS is to] certify program approval or denial of the application within 45 days.

MDHHS presented a Health Care Coverage Determination Notice dated [REDACTED], [REDACTED]. The notice stated Petitioner was approved for MSP benefits, effective October 2015. Petitioner's AHR conceded MDHHS processed part of Petitioner's application. Petitioner's AHR contended that MDHHS failed to process Petitioner's request for retroactive MSP 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... BAM 115 (July 2014), p. 11. The DHS-3243, Retroactive Medicaid Application, is used along with the DHS-4574 or DCH-1426 for retro MA applications. BAM 110 (July 2014), p. 4.

SLMB coverage is available for retro MA months and later months. BEM 165 (October 2015), p. 3. MDHHS testimony conceded Petitioner was specifically approved for SLMB benefits. MDHHS also conceded Petitioner's application specifically requested retroactive MSP benefits.

MDHHS testimony alleged Petitioner was not eligible for retroactive MSP benefits due to Petitioner's failure to verify assets. If the MDHHS allegation was accurate, then MDHHS would have issued a written notice denying MSP benefits to Petitioner for the months from July 2015 through September 2015 (see BAM 220). MDHHS failed to verify their allegation with any such notice. It is found that MDHHS failed to process Petitioner's application for retroactive MSP benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly failed to process Petitioner's request for retroactive MSP benefits. It is ordered that MDHHS begin to process Petitioner's MSP request for retroactive benefits within 10 days of the date of mailing of this decision. The actions taken by MDHHS are **REVERSED**.



CG/hw

Christian Gardocki
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]

Petitioner

[REDACTED]

Counsel for Complainant

[REDACTED]