



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR



Date Mailed: April 11, 2016  
MAHS Docket No.: 16-001744  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

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

### **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 April 11, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED] of [REDACTED] the Petitioner's Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) did not appear.

### **ISSUE**

Did the Department properly process the Petitioner's application for Retro 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. The Petitioner's AHR applied for retro MA on May 28, 2015, for the months of August 2013 through November 2013.
2. The Department sent a blank Verification Checklist (VCL) to the AHR on September 3, 2015; and medical records were returned to the Department on September 4, 2015. Exhibit 1, p. 15.
3. The Petitioner became eligible for Supplemental Security Income (SSI) on November 21, 2013. Exhibit 1, p.4.

4. The Department sent the AHR a DHS-49A, which is an internal form to be sent to the Medical Review Team. The Department, in its Hearing Summary, indicated that the DHS-49A was not returned by the date requested. Due to the failure to return the required VCL, a determination could not be made for eligibility. No Notice of Case Action was issued denying the retro application. Exhibits 1 and 2.
5. The Petitioner, through his AHR, requested a timely hearing on February 3, 2016.

### **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 failed to appear after being notified by phone and email several times. The evidence presented at the hearing confirmed the receipt of a May 28, 2015, retro MA application by the Department. Exhibit 1. The Application sought retroactive MA coverage for the month of August 2013. As of the hearing, the Department had not processed the application and determined eligibility. The evidence further confirmed that the Department failed to correctly process the application as required by Department policy found in BAM 110 (January 1, 2016) p. 8, provides:

Any application or the DHS-1171, Filing Form, with the minimum information, must be registered in Bridges; see BAM 110, Response to Applications.

Following registration of the application, do **all** of the following:

- Interview clients when required by policy; see INTERVIEWS in this item.
- Certify eligibility results for each program within the applicable standard of promptness (SOP); see

Standards of Promptness and Processing Delays in this item.

- Bridges automatically generates a client notice informing them of the eligibility decision. Bridges Administrative Manual (BAM) 220 explains the use of client notices.

Department policy requires that the local office must perform the following actions with regard to client applications and cases:

The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights. BAM 105 (April 1, 2016), p.1.

The Department never denied the application so far as the proofs presented by its Hearing Summary demonstrated. Instead, the Hearing Summary suggests that failure to complete a DHS-49A, which is the form that is required to be sent to the Medical Review Team, was not returned by the Petitioner's AHR. In addition, a VCL dated September 30, 2015, with a due date of September 14, 2015, (dates are incorrect) with no due date was sent to the Petitioner with no information requested. Notwithstanding the incomplete form, the Petitioner's AHR provided medical evidence to the Department so the retro MA application could be processed and sent to the Medical Review Team. The submission of the verification information was timely. Exhibit 1, p. 15. Given the fact that the Department failed to take any action whatsoever on this application including issuance of a Notice of Case Action, the evidence supports the Petitioner's contention that the Department failed to process the May 28, 2015, application for retroactive MA.

The Department did not comply with Department policy as it took no actions whatsoever regarding the Petitioner's retro 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 Department did not act in accordance with Department policy when it failed to process the May 28, 2015, retro MA application.

### **DECISION AND ORDER**

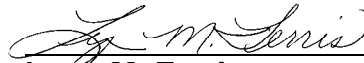
Accordingly, the Department's decision is **REVERSED**.

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. The Department shall process the Petitioner's retro Medical Assistance Application received by the Department on May 28, 2015, and determine eligibility for the Petitioner.
2. The Department shall notify the Petitioner and the Petitioner's AHR, [REDACTED] in writing regarding its determination.

LMF/jaf



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**Lynn M. Ferris**  
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]

**Counsel for Petitioner**

[REDACTED]

**Petitioner**

[REDACTED]

**cc:**

[REDACTED]