



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: July 20, 2016
MAHS Docket No.: 16-008257
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 [REDACTED], [REDACTED] from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented [REDACTED], [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly denied the Petitioner's Medical Assistance (MA) 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. The Petitioner applied for MA in [REDACTED]
2. The Department sent the Petitioner a Verification Checklist (VCL) dated [REDACTED] with a due date of [REDACTED]. Exhibit 1.
3. The Department issued a Health Care Coverage Determination Notice dated [REDACTED], denying the Petitioner's [REDACTED] MA application for failure to verify information. Exhibit 2.

4. At the hearing, the Department conceded that the Petitioner did provide the verifications on [REDACTED], and that the verifications were overlooked by the Department as all the pages provided by the Petitioner were not reviewed.
5. At the hearing, the Petitioner withdrew her request for hearing regarding her FAP as the issue regarding these benefits was resolved and her FAP is now active. The Petitioner testified she no longer wanted a hearing regarding her FAP.

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 Petitioner provided the verifications sought by the Department by the VCL due date. Notwithstanding providing the verifications, the Department denied the Petitioner's MA application. The Department conceded at the hearing that this was in error due to the fact that the verifications were received and were timely. Based on these facts, the MA application must be reinstated and processed by the Department. The Petitioner also was an ongoing recipient of Medical Assistance (MA) until [REDACTED] [REDACTED] when her MA case closed for failure to complete the redetermination. The Department searched its electronic case file and did not find that it received the redetermination. Even though the Petitioner testified that the redetermination was mailed, the Department based on the information in its system properly closed her MA case due to failure to complete the redetermination. However, given the fact that the Petitioner promptly reapplied for MA, there should be no lapse in MA coverage.

At the hearing, the Petitioner testified that she no longer sought a hearing regarding her FAP benefits as the issue regarding FAP had been resolved.

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 Petitioner's MA application for failure to complete verifications.

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** act in accordance with Department Policy when it close the Petitioners MA case due to failure to complete the redetermination.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** as regards the Department's closure of Petitioner's MA for failure to complete the redetermination and **REVERSED** as regards the Department's denial of the Petitioner's MA application.

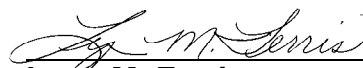
The Petitioner's request for hearing dated [REDACTED], requesting a hearing regarding FAP is hereby withdrawn as the issue has been resolved; and the request for hearing is hereby **DISMISSED**.

It IS SO ORDERED.

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 reinstate the Petitioner's [REDACTED] application for MA and process the application.
2. The Department shall provide the Petitioner written notice of its determination regarding her MA application.

LMF/jaf



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]

Petitioner

[REDACTED]

cc:

[REDACTED]