



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: August 25, 2016
MAHS Docket No.: 15-026943
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 3-way telephone hearing was held on July 7, 2016, from Detroit, Michigan. Petitioner did not appear. Petitioner's authorized hearing representative (AHR), [REDACTED], testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], manager.

ISSUE

The issue is whether MDHHS timely processed Petitioner's application for Medicare Savings Program (MSP) benefits.

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 applied for MSP benefits.
2. On [REDACTED], Petitioner requested a hearing to dispute the MDHHS failure to process Petitioner's application.
3. As of the date of hearing, MDHHS failed to fully process Petitioner's 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 requested a hearing to dispute a failure by MDHHS to process an application requesting MSP benefits. It was not disputed that Petitioner applied for MSP benefits on [REDACTED].

MDHHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. [For MA benefits, MDHHS is to] certify program approval or denial of the application within 45 days. BAM 115 (January 2015), p. 13.

MDHHS testimony conceded Petitioner's MSP eligibility from September 2015 through November 2015 was still not processed. As of the date of hearing, more than 9 months have passed since Petitioner's application date. MDHHS will be ordered to process Petitioner's MSP eligibility from September 2015 through November 2015.

MDHHS testimony indicated Petitioner's MSP eligibility was processed and approved beginning December 2015. Further inquiry discovered why Petitioner's AHR was unaware of the allegedly processed application.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). BAM 110 (July 2010), p. 7. The AR assumes all the responsibilities of a client. *Id.*, p. 8.

MDHHS testimony indicated written notice of MSP approval was mailed to Petitioner, not her AHR. MDHHS testimony conceded that Claimant's MA application listed Petitioner's AHR as an authorized representative. As an authorized application representative, Petitioner's AHR is entitled to receive benefit notices.

MDHHS presented no documentation to verify that Petitioner was approved for MSP eligibility beginning December 2015; this alone justifies not recognizing Petitioner's application as partially processed. Technically, the application is not fully processed until notice is mailed to all proper parties. Accordingly, the below order will include language requiring MDHHS to provide notice of the application disposition to Petitioner's AR.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS failed to process Petitioner's MSP application. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Process Petitioner's MSP application dated [REDACTED]; and
- (2) Mail any written notices related to the application processing to Petitioner's authorized representative.

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 Petitioner

[REDACTED]