



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: February 28, 2017
MAHS Docket No.: 16-018865
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 January 30, 2017, from Detroit, Michigan. Petitioner did not appear. [REDACTED] of [REDACTED], appeared as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS failed to process Petitioner's application for retroactive Medicaid 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 Medical Assistance (MA) benefits, including a request for retroactive Medicaid from January 2014.
2. On [REDACTED], Petitioner's AHR requested a hearing to dispute the failure by MDHHS to process Petitioner's application for retroactive Medicaid.
3. MDHHS has yet to process Petitioner's application for retroactive Medicaid.

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 alleging a failure by MDHHS to process Petitioner's application for retroactive Medicaid. Petitioner's AHR alleged MDHHS has not processed Petitioner's application even after being ordered by an administrative hearing decision.

Petitioner's AHR presented an administrative hearing decision (Exhibit A, pp. 1-5) dated [REDACTED]. The decision ordered, in part, MDHHS to process Petitioner's application for retroactive Medicaid benefits dated [REDACTED]. The decision further precluded MDHHS from denying Petitioner's application based on Petitioner being uncooperative with child support.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the hearing decision. BAM 600 (April 2015), p. 42. [MDHHS is to] complete the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. *Id.* [MDHHS is to] complete and mail the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. *Id.*

MDHHS testimony conceded Petitioner's application for retroactive Medicaid has still not been full processed. A MDHHS specialist testified she initiated processing of Petitioner's application, however, she was stonewalled by computer-related limitations. The testifying specialist indicated she performed the necessary request to overcome the computer-related limitation, but is still awaiting technical support assistance.

At the point of this writing, Petitioner has waited just under 3 years for MDHHS to fully process her application for retroactive Medicaid. Further delays would not be welcome. It is found MDHHS failed to comply with the administrative order dated [REDACTED].

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 application for retroactive Medicaid benefits. It is ordered that MDHHS, within 10 days of the date of

mailing of this decision, initiate processing of Petitioner's application for retroactive Medicaid dated [REDACTED]. 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

Counsel for Petitioner

[REDACTED]

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]