



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: June 1, 2017
MAHS Docket No.: 17-004501
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 9, 2017, from Lansing, Michigan. The Petitioner was represented by her attorney, [REDACTED] [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistant Attorney General [REDACTED] [REDACTED] [REDACTED] Eligibility Specialist, appeared and testified for the Department. Department Exhibit 1, pp. 1-78 was received and admitted without objection.

ISSUE

Did the Department properly deny Petitioner's application for Medical Assistance (MA) for failing to return verifications?

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 January 24, 2017, Petitioner applied for MA.
2. On January 30, 2017, a verification checklist was sent to Petitioner's Authorized Representative via DHHS Central Print. (Dept. Ex. 1, pp.71-72)
3. On March 13, 2017, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her application was denied for failing to return verifications prior to the deadline. (Dept. Ex. 1, pp. 73-75)

4. The verification checklist sent on January 30, 2017, was never received by Petitioner's Attorney.
5. On March 22, 2017, Petitioner requested hearing contesting the denial of MA.

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.

Medicaid

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times.

At renewal if an individual is required to return a pre-populated renewal form, allow 30 calendar days for the form to be returned.

At application, renewal, ex parte review, or other change, explain to the client/authorized representative the availability of your assistance in obtaining needed information.

Extension may be granted when the following exists:

- The customer/authorized representative need to make the request. An extension should not automatically be given.
- The need for the extension and the reasonable efforts taken to obtain the verifications are documented.
- Every effort by the department was made to assist the client in obtaining verifications.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or MI Bridges document upload), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a case action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed.

Only **adequate** notice is required for an application denial.
Timely notice is required to reduce or terminate benefits.
BAM 130 (January 2017)

In this case, Petitioner's attorney testified that the verification checklist sent on January 30, 2017, was never received. Petitioner's Attorney testified that she checked the MI Bridges system during the time period in question to check on the status of the application because the 45-day standard of promptness was approaching and there was no indication in that system that a verification checklist was outstanding.

The Department caseworker, [REDACTED] testified that BRIDGES indicated that the checklist was sent on January 30, 2017, via [REDACTED]. (Dept. Ex. 1, p.78) [REDACTED] testified that she does not know personally whether the document was sent other than what BRIDGES indicates. The Department pointed out that no returned mailing was received and that other correspondence was sent by the Department and received by the Petitioner's attorney.

The Department failed to meet its burden to prove that the requested verification was sent to the Petitioner's Attorney. The Petitioner's attorney's testimony that the verification checklist was never received was credible. Therefore, the denial for failing to return requested verification was improper and incorrect. BAM 130

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's MA application for failing to return verifications.

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. Reinstate and reprocess Petitioner's MA application going back to the date of application.
2. Award MA benefits going back to the date of application if Petitioner is found eligible.

AM/mc



Aaron McClintic
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 Respondent

[REDACTED]

Petitioner

[REDACTED]

Counsel for Petitioner

[REDACTED]