



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 6, 2017  
MAHS Docket No.: 17-002688  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Eric J. Feldman**

### **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 March 23, 2017, from Detroit, Michigan. The Petitioner was present for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) application dated October 27, 2016?

### **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 October 27, 2016, Petitioner applied for MA benefits and retroactive MA coverage.
2. On October 28, 2016, the Department sent Petitioner a Health Care Coverage Supplemental Questionnaire (DHS-1004) (supplemental questionnaire) and it was due back by November 7, 2016. Exhibit A, pp. 6-8.
3. Per the credible testimony of Petitioner, he attempted to contact his caseworker requesting assistance for the supplemental questionnaire, but to no avail.

4. The Department alleged that Petitioner failed to submit the supplemental questionnaire by the due date.
5. On November 29, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (determination notice) notifying him that his MA application was denied effective October 1, 2016 because he failed to complete the supplemental questionnaire. Exhibit A, p. 5.
6. On February 27, 2017, Petitioner filed a hearing request, protesting the Department's action. Exhibit A, pp. 3-4.

### **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 the present case, Petitioner applied for MA benefits on October 27, 2016. Exhibit A, p. 1. It was also discovered that Petitioner applied for retroactive MA coverage because he indicated in the application that he had unpaid medical expenses from the prior three months. Subsequently, on October 28, 2016, the Department sent Petitioner a supplemental questionnaire and it was due back by November 7, 2016. Exhibit A, pp. 6-8. The Department argued that Petitioner failed to submit the supplemental questionnaire by the due date. As such, the Department denied the MA application. Exhibit A, p. 5. The Department testified that its system did not show any case comments from Petitioner.

In response, Petitioner did not dispute that he received the supplemental questionnaire. However, he testified that he had questions about the form and beginning on or about November 1, 2016, he called his caseworker multiple times and left voicemails asking for assistance. Petitioner testified that he never received any contact back.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2016), p. 9. This includes completion of necessary forms. BAM 105, p. 9. The local office must assist clients who ask for help in completing forms,

gathering verifications, and/or understanding written correspondence sent from the department. BAM 105, p. 15.

Additionally, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. BAM 130 (July 2016), p. 8. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times. BAM 130, p. 8. The Department sends a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 8. Also, the client must obtain required verification, but the local office must assist if they need and request help. BAM 130, p. 3.

Based on the foregoing information and evidence, the Department improperly denied Petitioner's MA application dated October 27, 2016, in accordance with Department policy. During the hearing, Petitioner provided detailed testimony establishing how he received the supplemental questionnaire on or about November 1, 2016 and he had questions about the form and left multiple voicemails for his caseworker, but received no such assistance. Based on this detailed testimony, the undersigned Administrative Law Judge (ALJ) finds that Petitioner credibly established that he asked his caseworker for assistance with the supplemental questionnaire and never received such help. Thus, the Department improperly denied Petitioner's MA application because it failed to assist the Petitioner when he asked for help in completing form, which is violation of policy. See BAM 105, p. 15 and BAM 130, p. 3.

Accordingly, the Department is ordered re-register and reprocess Petitioner's MA application dated October 27, 2016, including his MA retroactive request, in accordance with Department policy.

### **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 did not act in accordance with Department policy when it improperly denied Petitioner's MA application dated October 27, 2016.


Accordingly, the Department's MA 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. Initiate re-registration and reprocessing of Petitioner's MA application dated October 27, 2016, including his MA retroactive request;

2. Issue supplements to Petitioner for any MA benefits he was eligible to receive but did not; and
3. Notify Petitioner of its decision.

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**Eric J. Feldman**  
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]  
[REDACTED]  
[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

CC: [REDACTED]  
[REDACTED]