



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: November 9, 2017  
MAHS Docket No.: 17-012127  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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; 42 CFR 438.400 to 438.424; 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 November 8, 2017, from Detroit, Michigan. The Petitioner was represented by her Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Mark Logan, Family Independence Manager, and Sara Calabrese.

**ISSUE**

Did the Department fail to process a request for Medical Assistance (MA) benefits for Petitioner?

**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], 2017, Petitioner's AHR submitted an application for MA benefits.
2. On January 11, 2017, the Department received a Facility Admissions Notice on behalf of Petitioner.
3. On January 11, 2017, the Department sent Petitioner a DHS-126 Medicaid Application Inquiry, a DHS-330 Notice of Missing Information, and an application for MA benefits was sent to Petitioner's AHR.
4. On [REDACTED], 2017, Petitioner's AHR submitted an application for MA benefits on behalf of Petitioner (Exhibit B).

5. On [REDACTED], 2017, Petitioner's AHR submitted an application for MA benefits on behalf of Petitioner. The [REDACTED], 2017 application was subsequently processed.
6. On September 5, 2017, Petitioner's AHR submitted a hearing request disputing the Department's actions.

### **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, Petitioner's AHR argued that the Department failed to process an application for MA benefits he submitted on behalf of Petitioner on [REDACTED], 2017. Petitioner's AHR testified that he submitted an application he retrieved from the assisted living facility where Petitioner was residing. Petitioner's AHR stated he obtained the application six months prior to submitting the application. Petitioner's AHR stated that he submitted the exact same application form on [REDACTED], 2017, as he did on [REDACTED], 2017.

A request for assistance may be in person, by mail, telephone, email or online. BAM 110 (January 2017), p. 1. The requester has the right to receive the appropriate application form. BAM 110, p. 1. The correct form for MA is the DCH-1426, Application for Health Coverage & Help Paying Costs. BAM 110, p. 1. In addition, the form DHS-4574, Medicaid Application for Nursing Facility Patients may be used for Long Term Care (LTC) residents. BAM 110, p. 4. Receipt of a Facility Admissions serves as a request for MA for all persons except: (i) automatically eligible newborns (ii) active MA beneficiaries (iii) pending MA or FIP applicants. BAM 110, p. 3.

The Department testified that on January 11, 2017, a Facility Admissions Notice was received on behalf of Petitioner. The Department testified there was no application for MA benefits for Petitioner submitted in January 2017. The Department testified as a result of the admissions notice, the Department sent Petitioner's AHR a DHS-126 Medicaid Application Inquiry, a DHS-330 Notice of Missing Information, and an application for MA benefits on [REDACTED], 2017. Petitioner's AHR returned an

application for MA benefits on [REDACTED], 2017 (Exhibit B). The Department returned the application to Petitioner's AHR and did not process the application, as it was an outdated version of the DCH-4574 application form. Petitioner's AHR submitted a proper application on [REDACTED], 2017. The [REDACTED], 2017 application was subsequently processed and was the first application processed by the Department (Exhibit C).

There was no evidence presented by the Department that Petitioner was an active MA beneficiary or had a pending MA or FIP application as of [REDACTED], 2017, when the Facility Admission Notice was received by the Department. Per policy, the Facility Admissions Notice alone is sufficient to serve as a request for MA. Therefore, the Department failed to establish that it properly followed policy when it failed to process a request for MA benefits on behalf of Petitioner as of January 11, 2017.

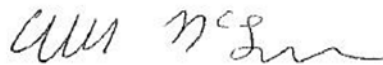
### **DECISION AND ORDER**

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 establish that it properly followed policy when it failed to process a request for MA benefits on behalf of Petitioner as of January 11, 2017.

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. Reregister and reprocess Petitioner's request for MA benefits as of January 11, 2017;
2. If Petitioner is eligible for MA benefits, provide Petitioner with MA coverage she was entitled to receive but did not as a result of the Department's failure to process the MA request; and
3. Notify Petitioner/Petitioner's AHR of its MA decision in writing.



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**Ellen McLemore**

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**

MDHHS-Kent-Hearings

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]

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M Best  
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E McLemore  
MAHS