



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 8, 2017
MAHS Docket No.: 17-013631
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 December 7, 2017, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Rick Trudell, Supervisor, and Nicole Smith, Case Worker.

ISSUE

Did the Department fail to process Petitioner's application for State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In [REDACTED] 2017, Petitioner submitted an application for SDA benefits and Medical Assistance (MA) benefits.
2. On April 18, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing Petitioner that he was eligible for full-coverage MA benefits.
3. In June 2017, Petitioner's SDA benefit application was transferred to the Medical Review Team (MRT).
4. On October 12, 2017, Petitioner submitted a request for hearing.

5. As of the date of the hearing, the Department had not yet issued a decision regarding Petitioner's SDA benefits.

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).

MA

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.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). BAM 600 (April 2017), p. 2. Moreover, Department policy provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

In the present case, the Department sent Petitioner a Health Care Coverage Determination Notice on April 18, 2017, advising him that he was approved for full-coverage MA benefits effective April 1, 2017, ongoing. Petitioner contended that he was not approved under the appropriate program. However, Petitioner did not file a request for hearing to contest the Department's action until October 11, 2017, which was beyond the 90-day time limit.

Petitioner's hearing request regarding his MA benefits was not timely filed within 90 days of the Health Care Coverage Determination Notice, and is, therefore, **DISMISSED** for lack of jurisdiction.

SDA

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, the Department testified that Petitioner submitted an application for SDA benefits in [REDACTED] 2017. The Department testified his SDA application was referred to the

MRT in June 2017. The Department also stated that as of the date of the hearing, there had been no decision issued regarding Petitioner's SDA application.

Initially it was determined that Petitioner did not have jurisdiction to request a hearing, as the Department had not yet issued a decision regarding his SDA benefits. However, upon further review of policy, the Department has failed to establish it followed policy regarding standards of promptness.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2017), p. 15. For SDA cases, the Department must certify program approval or denial of the application within 60 days. BAM 115, p. 16. Additionally, the SOP can be extended 60 days from the date of deferral by the MRT. BAM 115, p. 16.

In this case, Petitioner filed his SDA application in [REDACTED] 2017. As of the December 7, 2017 hearing date, the Department had not yet issued a decision. Even if Petitioner's application for SDA benefits was given the 60-day time limit, and the 60-day extension, the Department had failed to process the application within the standards of promptness set forth by policy. Therefore, it is found the Department has failed to timely process Petitioner's SDA application.

DECISION AND ORDER

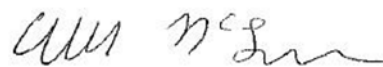
Petitioner's hearing request regarding his MA benefits is **DISMISSED**.

The Department's decision regarding Petitioner's SDA benefits 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. Complete the processing of Petitioner's SDA application;
2. Send Petitioner notice regarding its decision related to Petitioner's [REDACTED] 2017 application for SDA benefits; and
3. If Petitioner is eligible for SDA benefits, issue such benefits to him he is eligible to receive from the date of the application, ongoing.

EM/



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

Petitioner



BSC4
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