



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 25, 2018
MAHS Docket No.: 18-008211
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; 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 3-way telephone hearing was held on September 19, 2018, from Lansing, Michigan. Petitioner was represented by Authorized Hearing Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Kim Reed, Lead Worker. Department Exhibit 1, pp. 1-31 was received and admitted.

ISSUE

Did the Department properly process Petitioner's Medical Assistance (MA) application?

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], 2018, Petitioner applied for MA.
2. On July 6, 2018, Petitioner's Authorized Representative submitted a Case Status Request Report.
3. On August 7, 2018, Petitioner's Authorized Representative submitted a Case Status Request Report.
4. On August 8, 2018, indicated to Petitioner that there was no application on file.

5. On August 8, 2018, Petitioner requested hearing because the April 24, 2018, application had not been processed.
6. Petitioner provided a Detailed Delivery Report printout showing that a 29 page MA application for Petitioner was faxed to (517)346-9888 and received on April 24, 2018 at 2:29 p.m. (Exhibit 1, p.16)

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.

SDA, RCA, RMA and MA Only

Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice. BAM 115

In this case, Petitioner provided a Detailed Delivery Report that shows that a [REDACTED] page MA application was faxed on [REDACTED], 2018 at 2:29pm to (517) 346-9888 on Petitioner's behalf. (Exhibit 1, p.16) The Department witness at hearing acknowledged that this was a Central Fax Number for the Department. The Department witness acknowledged that something could have gone wrong when the application was received by the centralized fax processing operation that caused the application to not be processed or forwarded to Montcalm County DHHS. The Petitioner provided adequate proof that an application was submitted on her behalf on [REDACTED], 2018 and that application was not processed. The Department's failure to process Petitioner's MA application was improper and incorrect. BAM 115

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 failed to process Petitioner's April 24, 2018, MA application.

DECISION AND ORDER

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. Process Petitioner's [REDACTED], 2018, application for MA.
2. Award MA benefits if Petitioner is found to be eligible.

AM/bb



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) 763-0155; 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

Kimberly Reed
609 North State Street
PO Box 278
Stanton, MI 48888

Montcalm County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

Authorized Hearing Rep.

[REDACTED]
[REDACTED] FL [REDACTED]

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]