



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
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[REDACTED] MI [REDACTED]

Date Mailed: February 19, 2019  
MAHS Docket No.: 18-012598  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 February 14, 2019, from Detroit, Michigan. The Petitioner was represented by his attorney, Patricia E. Dudek. The Petitioner was present but did not participate. The Petitioner's Guardian, [REDACTED], was also present. The Department of Health and Human Services (Department) was represented by Chantal B. Fennessey, Assistant Attorney General. Brenda Drewnicki, Eligibility Specialist and Hearing Facilitator also appeared on behalf of the Department.

**ISSUE**

Did the Department fail to process the Petitioner's August 13, 2018, application for Medical Assistance (MA)?

**FINDINGS OF FACT**

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

1. The Petitioner filed an application for Medical Assistance on August 13, 2018.
2. The Department conceded at the hearing that it did not process and register the application within the standard of promptness and did process the application after receiving the Petitioner's hearing request.
3. At the time of the filing of the August 13, 2018, application, the Petitioner was active for Medicaid and had an open-and-ongoing case. The Department

registered the application on or about January 2, 2019, for the Medicare Savings Program (MSP).

4. The Petitioner's Attorney requested a timely hearing on November 5, 2018, regarding the Department's failure to process the August 13, 2018 MA application

### **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, the Petitioner requested a hearing when it did not receive a response from the Department after filing an application for MA on August 13, 2018. At the hearing, the Department agreed and conceded that it did not timely process the application and only did so after the request for hearing was received. The Department initially did not process the Petitioner's MA application because it correctly determined that Petitioner had an active, ongoing MA case. Ultimately, once the hearing request was received, the Department registered the Petitioner's August 13, 2018, application on or about January 2, 2019, because it determined that Petitioner's case for MA was not open for MSP. Thereafter, the Department determined that Petitioner was not eligible for MSP due to excess income; however, the action by the Department was after the Petitioner's November 5, 2018, hearing request and is not properly before the undersigned as it was just recently denied by the Department. Based upon the evidence presented at the hearing, the Department demonstrated that the Petitioner was active, ongoing for MA and that it did process the application although not in a timely manner. Thus, there remains no further issue to be determined by the Petitioner's hearing request as the application was processed.

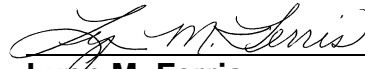
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department has process the November 5, 2018, application for MA; and there remains nothing further to be determined.

**DECISION AND ORDER**

Accordingly, the Petitioner's November 5, 2018, hearing request is hereby **DISMISSED** as there is no further issue with regard to this matter which is required to be determined regarding processing of the August 13, 2018, application.

**IT IS SO ORDERED.**

LMF/jaf



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**Lynn M. Ferris**  
Administrative Law Judge  
for Robert Gordon, 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

**Via Email**

**Counsel for Respondent**

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Michigan Department of Attorney General  
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**MDHHS**

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**Via First Class USPS**

**Petitioner**

[REDACTED]  
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