



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR



Date Mailed: July 30, 2020
MOAHR Docket No.: 20-004064
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 July 27, 2020 from separate locations due to COVID-19. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Jennifer DePoy, Eligibility Specialist Lead Worker.

ISSUE

Did the Department properly deny Petitioner's Application for Medical Assistance (MA) Program benefits?

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 or about March 22, 2020, Petitioner moved in with her boyfriend in Detroit, Michigan during the COVID-19 pandemic and resulting quarantine.
2. Petitioner had her mail from her home in Jackson, Michigan forwarded to her boyfriend's home in Detroit.
3. On [REDACTED] 2020, the Department received Petitioner's MA Application listing an address in Jackson, Michigan but also noting that Petitioner was absent from the home.
4. On the same day, the Department mailed a Health Care Coverage Supplemental Questionnaire (HCCSQ) to the Jackson address with a due date of May 5, 2020.

5. On May 6, 2020, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner at the Jackson address informing her that her MA Application had been denied because the Department had not received her completed HCCSQ.
6. On May 20, 2020, the Department received a Change Report from Petitioner updating her address to her boyfriend's home in Detroit, Michigan.
7. On May 29, 2020, the Department received Petitioner's request for hearing disputing the denial of her 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, Petitioner applied for MA benefits and noted on her Application that her address was in Jackson, Michigan but that she was absent from the home. Based upon the Application, the Department mailed a HCCSQ to Petitioner at the only address provided on the Application. Policy provides that clients must truthfully and completely answer all questions on the Application. BAM 105 (October 2019), p. 9. Information provided in the Application is used to determine eligibility and communicate with the client. BAM 105; BAM 130 (April 2017); BAM 115 (October 2019); BAM 110 (January 2020); BAM 210 (January 2020). The HCCSQ is a document used to gather information and verify a client's circumstances when the client indicates a disability on their MA application. BEM 105, p. 3. Clients are provided ten calendar days to submit verification documents in MA cases and verifications are considered timely if received by the Department by the due date. BAM 130, p. 8. Case action notices are sent when the client indicates a refusal to provide the requested information or when the time provided has lapsed. *Id.* The Department can only work with the information provided by a client. Therefore, in this case, Petitioner told the Department she was living at an address in Jackson, Michigan and the Department mailed all communications to that address until it was updated in May. Petitioner has the responsibility to manage and check her mail at whatever address she provided to the Department. While Petitioner properly forwarded her mail from Jackson to Detroit, she had to have known that the

forwarding of her mail would require additional time especially given the circumstances of COVID-19. No evidence was presented that the Department erred in mailing the HCCSQ. In addition, Petitioner admits that she received the HCCSQ after the due date because of the mail forwarding. Since Petitioner received the document late, she did not submit the form timely. If Petitioner had provided the Department with the address at which she was actually residing or had been regularly checking the mail at the address provided to the Department without forwarding the mail, Petitioner would not have been in this situation. Since the Department mailed the HCCSQ to the address provided by Petitioner and because the Department did not receive the completed form by the due date, the Department properly denied Petitioner's MA Application.

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 acted in accordance with Department policy when it denied Petitioner's Application for MA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/tm



Amanda M. T. Marler
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

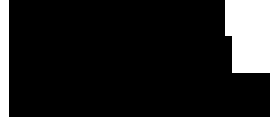
If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Tamara Little
301 E. Louis Glick Hwy.
Jackson, MI 49201

Petitioner



cc: ME—D. Smith; EQADHShearings
Jackson AP Specialist (4)