



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 12, 2019
MAHS Docket No.: 18-013405
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 March 6, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Lashana Threlkeld, Assistance Payments Supervisor, and Orlando Curry, Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) Program 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 November 5, 2018, the Department received Petitioner's Application for the MA program.
2. On November 9, 2018, the Department issued a Health Care Coverage Supplemental Questionnaire (HCCSQ) to Petitioner to be completed and returned to the Department by November 20, 2018.
3. On November 21, 2018, the Department received Petitioner's completed HCCSQ.
4. On the same day, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing her that her application had been denied

effective November 1, 2018, because the Department had not received the HCCSQ.

5. On December 12, 2018, the Department received Petitioner's Request for Hearing disputing the denial of MA benefits noting that she did not receive the HCCSQ until the day after it was due.

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 MA application was denied because the Department did not receive Petitioner's completed HCCSQ by the due date. The HCCSQ is used to gather additional information when a client indicates a disability on the application. BEM 105 (April 2017), p. 3. In MA cases, the Department allows the client 10 calendar days to provide requested verifications. BAM 130 (April 2017), p. 8. If the client cannot provide the verification despite a reasonable effort, the time limit may be extended up to two times. *Id.* Extensions may be granted when the client makes a request, there is a need for an extension, and efforts were made by the Department to assist the client. *Id.*

In this case, Petitioner testified that she received the HCCSQ on the day that it was due and wrote in her request for hearing that she received it on the day after it was due. In either case, it was almost impossible for Petitioner to submit it on time if she received it the day it was due and it was entirely impossible if she received it the day after it was due. Petitioner submitted the HCCSQ the day after it was due. Petitioner also credibly testified that she called the Department informing them that she had just received it and would submit it as soon as possible. Petitioner completed the form and had her son deliver it to the Department office the same day. Given the circumstances that Petitioner received the form the day that it was due and that she called the Department as soon as she received it advising them that she just received it, the Department should have provided an extension to Petitioner because there was a need for an extension and the Department could do nothing further to assist Petitioner other than extending the due date. Therefore, the Department did not act in accordance with

Department policy when it denied Petitioner's application for failure to return the HCCSQ by the due date.

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 denied Petitioner's 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. Reinstate and redetermine Petitioner's application for MA benefits effective November 5, 2018,
2. If otherwise eligible, issue supplements to Petitioner or on her behalf for MA benefits not previously received
3. Notify Petitioner in writing of its decision.



AMTM/jaf

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 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

Renee Swiercz
MDHHS-Oakland-4-Hearings

Petitioner

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