



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]

Date Mailed: March 26, 2019
MAHS Docket No.: 19-001684
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 21, 2019, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Natalie McLaurin, hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's 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. On December 21, 2018, Petitioner applied for MA benefits. Exhibit A, pp. 3-6.
2. On December 26, 2018, MDHHS mailed Petitioner a Health Care Coverage Supplemental Questionnaire (HCCSQ). Petitioner's due date to return the HCCSQ was January 7, 2019.
3. On January 8, 2019, MDHHS received Petitioner's completed HCCSQ. Exhibit A, pp. 7-10.
4. On January 28, 2019, MDHHS denied Petitioner's application due to Petitioner's alleged failure to return the HCCSQ.

5. On February 6, 2019, Petitioner requested a hearing to dispute the denial of MA. Exhibit A, p. 2.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of MA. MDHHS presented a Health Care Coverage Determination Notice dated January 28, 2019, stating that Petitioner's MA application was denied due to an alleged Petitioner failure to return a HCCSQ. Exhibit A, pp. 19-21.

The DHS-1004, Health Care Coverage Supplemental Questionnaire, is used to gather additional information when the applicant indicates a disability on the application for MA benefits. BEM 105 (April 2017) p. 4. For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (April 2017), p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.*

In the present case, MDHHS mailed Petitioner a HCCSQ on December 26, 2018, with a due date of January 7, 2019. It was not disputed that Petitioner completed and returned the HCCSQ to MDHHS on January 8, 2019. MDHHS also acknowledged that, though Petitioner's submission was slightly tardy, the questionnaire should have been processed as it was submitted several days before MDHHS denied Petitioner's MA application. MDHHS' acknowledgement is consistent with MDHHS policy which allows a negative action (in this case, a denial of Petitioner's application) only when the client refuses to return verification or the due date passes with no reasonable effort made by the client. A client's submission occurring before the date of denial is a reasonable effort. Thus, MDHHS improperly denied Petitioner's MA application.


DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for MA benefits. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's application dated December 21, 2018, requesting MA benefits; and
- (2) Process Petitioner's application subject to the finding that Petitioner timely completed and submitted a HCCSQ to MDHHS.

The actions taken by MDHHS are **REVERSED**.

CG/cg



Christian Gardocki
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:

MDHHS-Saginaw-Hearings
D.Smith
EQAD
BSC2- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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