



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: June 28, 2019
MOAHR Docket No.: 19-004437
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 30, 2019, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Richkella Curney, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility 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. Petitioner is a recipient of the Social Security Administration (SSA) RSDI benefits of \$1,152.50 with a \$135.50 Part B premium paid by the State of Michigan. Department Exhibit 1, pgs. 9-11.
2. On D [REDACTED] 2018, Petitioner applied for MA benefits. Department Exhibit 2, pgs. 2-8.
3. On December 6, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Supplemental Questionnaire, DHS-1004, that was due back to the Department on December 17, 2018. Department Exhibit 2, pgs. 13-16.

4. On December 7, 2018, the Department received the first 2 pages on DHS-1004, but not the 3rd page and the 4th page with the signature.
5. On January 22, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that he was not eligible for MA because he failed to return the supplemental questionnaire mailed to you for this purpose. Department Exhibit 2, pgs. 18-20.
6. On April 8, 2019, Petitioner reapplied for MA benefits. Department Exhibit 1, pgs. 5-8.
7. On April 16, 2019, the Department Caseworker sent Petitioner a notice that he was eligible for MA-SLMB and MA Group 2 spend down of \$684.
8. On April 16, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.
9. On April 22, 2019, the Department Caseworker received the DHS-1004 and processed Petitioner for benefits where he was eligible for MA-SLM and MA G2S with a spend down. Department Exhibit 2, pg. 21.

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 of the Cost Share Program (CSP) and MA on December 4, 2018. Petitioner submitted the DHS-1004, but the Department received the first 2 pages, but not the last 2 pages. It was clearly a technical glitch because he submitted all 4 pages. Petitioner believed that they were received by the Department. Since all 4 pages were not received by the Department, the Department Caseworker should have called Petitioner or sent him a Quick Note to let him know that the Department had not received all of the pages that he sent. As a result, his case was denied on January 22, 2019. Petitioner reapplied on April 8, 2019, but lost benefits in the interim. He was eligible for MA for the month of April where he reapplied and

retroactive 3 months to January 2019, but for the MA CSP with an April application, wasn't eligible until May 2019. BEM 400

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Petitioner's [REDACTED], 2018 MA application due to failure to submit the DHS 1004, when in fact they had received 2 pages, but not 4 pages.

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. Initiate a redetermination of the Petitioner's eligibility for MA retroactive to his MA application dated [REDACTED], 2018.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination.
3. Issue Petitioner any retroactive benefits he may be eligible to receive, if any.

CF/hb



Carmen G. Fahie
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

Tara Roland 82-17
8655 Greenfield
Detroit, MI 48228

Wayne County (District 17), DHHS

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

