



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 19, 2019
MOAHR Docket No.: 19-006870
Agency No.: ██████████
Petitioner: ██████████

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 August 8, 2019, from ██████████ Michigan. The Petitioner was represented by himself, and ██████████ also appeared as a witness. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner 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 Department sent the Petitioner an MA redetermination on February 5, 2019, with a due date of March 7, 2019. Exhibit C.
2. The Petitioner applied online for MA on March 14, 2019.
3. The Department issued a Health Care Coverage Determination Notice (HCCDN) on March 18, 2019, closing Petitioner's MA effective April 1, 2019, for failure to return the redetermination. Exhibit C.
4. On April 2, 2019, the Petitioner provided the Department a Change Report regarding the March 14, 2019, application for MA. The Change Report noted a

correction to the income amount on the application, and that Petitioner's daughter was no longer in the household as of April 18, 2019. The Petitioner noted at the beginning of the Change Report that the application had not been processed. Exhibit D.

5. A Verification Checklist (VCL) was sent to Petitioner seeking income verification of income and employment and self-employment income. At the time of the VCL, the Department could not locate the March 14, 2019, MA application in its system.
6. On April 22, 2019, the Petitioner timely returned the income verification. The updated verifications could not be processed due to a processing error. On June 21, 2019, the Department requested assistance support from site support and also requested a Help Desk Ticket.
7. A second verification for information was sent on July 2, 2019, and was also completed by Petitioners.
8. As of the hearing, the Petitioner's MA G2C case is pending. Exhibit A.
9. On June 21, 2019, the Petitioner filed a timely hearing request protesting the failure of the Department to process the Petitioner's MA redetermination.

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, as of the hearing date August 8, 2019, the Department had not resolved Petitioner's application for MA filed on March 14, 2019, which was prior to the closure of the Petitioner's ongoing MA case due to failure to complete the redetermination due March 7, 2019. As of the hearing, the Department had processed the Petitioner's March 14, 2019, MA application. The Department testified at the hearing that it had attempted to process the application on April 18, 2019, and could not find the application. In addition, the Petitioner's income information was received per the request for verification but could not be processed. No updates to the file could be made. The

Petitioner, for his part attempted to discover the status of his MA application, bringing it to the attention of the Department. The Department testified that the application was processed, and another processing problem arose with respect to the Bridges System; so, at the time of the hearing, the Petitioner's MA application was still pending; and a Help Desk Ticket was requested. The processing issue could not be resolved by the local office.

The Petitioner also requested help with the MiChild issue raised by the hearing request. However, that issue could not be resolved by the local office; and it appeared that the issue regarding case number was no longer an issue; and the hearing request was withdrawn by the Petitioner.

As regards the MA application, the Department representative correctly advised the undersigned that the system problem could not be resolved locally, so there was nothing further that could be done until the Help Deck Ticket is addressed. Notwithstanding the fact it could not be resolved locally, the matter lingered over four months before the application was found. The Department did not have a ticket number and did not have case notes to support that a ticket was requested, and no ticket number was available because the Help Desk had not begun to work on the ticket. Fortunately, a ticket was requested July 17, 2019, on the second issue; and the application was processed; and a second VCL was sent; and the answers were timely provided. Unfortunately, due to the second problem, the matter is still awaiting resolution.

Given the evidence presented at the hearing and the testimony of the Department, it is determined that the application was processed and is awaiting assistance from the Help Desk. Therefore, the processing matter has been resolved; however, the Department shall continue to process the application to determine Petitioner's eligibility and request the Help Desk to expedite processing of the Help Desk Ticket.

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 processed the application and requested a help desk ticket when the processing could not continue due to computer system error.

DECISION AND ORDER

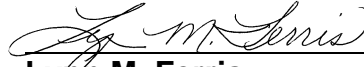
Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the Department processing the application and **REVERSED IN PART** with respect to the Department's continuing responsibility to process the application and remove the application pending status.

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. The Department shall request an expedited Help Desk Ticket, if it has not already done so, and shall continue to process the Petitioner's application for MA so that Petitioner's eligibility can be finally determined to the application pending status is removed.

LMF/jaf



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 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

Via Electronic Mail
DHHS

Tamara Morris
MDHHS-Genesee-UnionSt-Hearings

BSC4
D Smith
EQAD

Via First Class Mail
Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]