



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: March 26, 2021
MOAHR Docket No.: 21-000416
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 three-way telephone hearing was held on March 17, 2021, from Bloomfield Hills, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Crystal Hackney, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny the 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. The Petitioner applied for MA on [REDACTED] 2020. Exhibit A, p. 6-14.
2. The Department denied Petitioner's application on December 21, 2020 in a Health Care Coverage Determination Notice. Exhibit A, pp. 22-23. After review by the Department, it was determined that the denial was an error and reprocessed the application. The Petitioner was asked to complete a Health Care Questionnaire (Questionnaire) form.
3. The Petitioner returned the Questionnaire timely. The income amount of \$1,070 indicated that the income was received two times a month which was incorrect. Exhibit A, pp. 15-18.
4. The Petitioner advised in the Questionnaire and at the hearing that she was not a citizen of the United States. At the time of the hearing request and filing of the

Hearing Summary, the Department had reprocessed the case and that the medical was pending for verification.

5. The Petitioner filed a timely hearing request on [REDACTED] 2021 protesting the denial of her application due to income.

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.

Department policy requires upon discovery of an error in processing:

As soon as possible, document and correct benefits approved or denied in error by changing Data Collection, running Eligibility Determination Benefit Calculation (EDBC) and certifying the results. Bridges sends the client a timely or adequate notice as appropriate for department error corrections resulting in:

- Program eligibility or ineligibility.
- Increased or decreased need.
- Higher or lower patient-pay amount. BAM 115 (January 2021), p. 33.

In this case, the Petitioner requested a hearing when the Department denied her application for MA. Upon review of the Petitioner's hearing request, the Department determined that the denial of the application was in error. Thereafter, the Department reprocessed the Petitioner's MA application and pended the application for verification. At the time of the filing of the Hearing Summary, the application was pended and not resolved. In this case, it is determined that the Department properly reprocessed the [REDACTED] 2020 application after discovering the erroneous denial and thus fulfilled its processing obligation. At the time of the Hearing Summary, no final determination had been made and thus there is nothing further that can be addressed by this Decision. The Petitioner was also advised that once the Department determined her eligibility for MA, she could request another hearing if she was dissatisfied.

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 reinstated and reprocessed the [REDACTED] 2020 application to correct its error.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LMF/tm



Lynn M. Ferris
Administrative Law Judge
for Elizabeth Hertel, 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 Email:

MDHHS-Oakland-3-Hearings
C. George
EQADHearings
BSC4
MOAHR

Petitioner –
Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]