



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.: 21-000622
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 [REDACTED] her Authorized Hearing Representative (AHR). The Petitioner also appeared. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner application for Medical Assistance (MA) due to failure to return verification by the due date?

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 Medical Assistance (MA) on [REDACTED] 2020. On December 15, 2020, the Department issued a Health Care Coverage Determination Notice denying the Petitioner's application for MA due to her failure to return the supplemental medical questionnaire by the due date. Exhibit A, pp. 3-5.
2. On December 1, 2020, the Department sent the Petitioner a Health Care Coverage Supplemental Questionnaire to be completed and returned by December 14, 2020. The Supplemental Questionnaire was sent to Petitioner to the correct address. Exhibit A, p. 17. As a new applicant, the Questionnaire advised Petitioner that if

she did not return the proofs by the due date, her request for health care could be denied. Exhibit A, p. 17.

3. The Petitioner filed a timely request for hearing on [REDACTED], 2021 protesting the denial of her MA application based upon incorrect 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.

In this case, the Department denied a [REDACTED] 2020 application for MA due to failure of Petitioner to timely return a Health Care Coverage Supplemental Questionnaire (Questionnaire) sent to her on December 1, 2020 with a due date of December 14, 2020. The Petitioner's AHR testified that she sent the Questionnaire to the Department electronically to the DHS website on or about December 13, 2020 and that she mailed the form in as well. The form was filed electronically. The Department took action denying the MA application issuing a Health Care Coverage Determination Notice on December 15, 2020 as the Questionnaire was not timely returned. The Questionnaire was received on December 17, 2020 after the due date. The Department Specialist testified that because this was a new application, once it was denied, it could not be reinstated, and that Petitioner would have to reapply for MA. The Department also clarified that the MA application was not denied due to income and further clarified that the income amount was not correct due to the way the Petitioner reported the income on the application.

The Department consulted the Petitioner's electronic case file in which are recorded records received and communications from Petitioner. The Specialist testified that the Questionnaire was received electronically to Petitioner's electronic case file on December 17, 2020. In addition, the Petitioner's AHR testified that she uploaded the questionnaire on December 13, 2020 but was not looking at the computer she sent the document on. She was looking at a screen shot sent by the AHR to Petitioner regarding what she uploaded. The AHR testified that she was having trouble uploading the document at the time. The AHR also testified that the form was sent by USPS and Petitioner dropped the questionnaire in the department drop box as well on December

31, 2020. The Petitioner also testified that the forms the Department was sending her arrived late, at or near the due date and also complained that her assigned caseworker did not return her calls. The AHR did not present any further evidence in support of the timely filing of the questionnaire such as proof of the transmission date or that the Questionnaire was uploaded on December 13, 2020. Also, the questionnaire dropped in the drop box at the Department by Petitioner was also after the December 14, 2020 due date.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or MI Bridges document upload), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a case action notice when: ...
the time period given has elapsed. BAM 130, (January 2021), p. 8.

Based upon the evidence, it is determined that the Questionnaire was not returned by the due date and that the Department correctly denied the [REDACTED] 2020 MA application due to the form not being timely filed.


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 denied the Petitioner's MA application due to the failure to return the Health Care Questionnaire.

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-Wayne-18-Hearings
C. George
EQADHearings
BSC4
MOAHR

Via First Class Mail:
Petitioner [REDACTED]
[REDACTED]
[REDACTED]

Petitioner's AHR [REDACTED]
[REDACTED]
[REDACTED]