



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: March 29, 2021
MOAHR Docket No.: 21-000933
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 25, 2021, from Detroit, Michigan. Petitioner was present with her Authorized Hearing Representative, ██████████. The Department of Health and Human Services (Department) was not present.

ISSUE

Did the Department properly deny Petitioner's application for Medicare Savings Program (MSP) benefits?

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 ██████████ 2020, an application for MSP benefits was submitted on behalf of Petitioner.
2. The Department sent Petitioner a Health Care Coverage Determination Notice informing her that her MSP application was denied.
3. On February 18, 2021, Petitioner's AHR submitted a request for hearing disputing the Department's actions.

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, an application for MSP benefits was submitted on Petitioner's behalf. The Department denied Petitioner's MSP benefit application. The Department was not present at the hearing to provide testimony as to why the application was denied. However, the Department submitted a hearing summary to the Michigan Office of Administrative Hearings and Rules (MOAHR) on February 18, 2021, which indicated Petitioner's MSP application was denied for her failure to return a Health Care Coverage Supplemental Questionnaire (HCCSQ).

An incomplete application contains the minimum information required for registering an application. BAM 115 (October 2017), p. 5. However, it does not contain enough information to determine eligibility because all required questions are not answered for the program(s) for which the client is applying BAM 115, p. 5. The DHS-1004, Health Care Coverage Supplemental Questionnaire, is used to gather additional information when the applicant indicates a disability on an MA application. BEM 105 (April 2017), p. 3. The Department will deny an incomplete application 10 calendar days after the request is made for the client to supply the missing information. BAM 115, p. 6.

At the hearing, Petitioner's AHR indicated that he was designated as Petitioner's Authorized Representative (AR) in the [REDACTED] 2020 application. Petitioner's AHR testified that he did not receive the HCCSQ. Therefore, the Department failed to establish that it acted in accordance with Department policy when it denied Petitioner's MSP application.

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 Petitioner's MSP application.

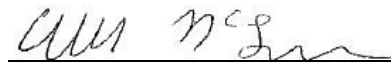
Accordingly, the Department's decision is **REVERSED**.

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. Reinstate and reprocess Petitioner's [REDACTED] 2020 MSP application;
2. If Petitioner is eligible for MSP benefits, issue supplements she is entitled to receive in accordance with Department policy; and
3. Notify Petitioner and Petitioner's AHR of its decision in writing.

EM/jem



Ellen McLemore
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

